BARRON COUNTY

SHORELAND PROTECTION ORDINANCE
Chapter 16

A portion of the code of ordinances of Barron County

Agencies and Office Involved in Administration of These Ordinances

For information on permits, inspections, ordinance interpretation, scheduling and outcome of hearings and applications:

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Barron County Government Center
335 East Monroe Avenue, Room 2104
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Proposed amendments, certain appeals, policy matters, review of land subdivisions and supervisions of the planning and zoning programs are the responsibility of the Zoning Committee:

Zoning Committee Members:
Audrey Kusilek, Chairman
Karolyn Bartlett, Vice Chairman
Randall Cook
Dennis Jenkins
Dennis Sandmann

Variances, special exceptions and certain appeals are the responsibilities of the Barron County Board of Adjustment.

Board of Adjustment Members:
Gary Nelson, Chairman
Keith Hardie, Vice Chairman
Amy Kelsey
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16.01 STATUTORY AUTHORITY

This ordinance is adopted pursuant to the authorization in s. 59.692, Stats, to implement 59.692 and 281.31, Stats.

16.02 FINDING OF FACT, STATEMENT OF PURPOSE

(1) FINDING OF FACT: Uncontrolled use of the shorelands and pollution of the navigable waters of Barron County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Barron County, Wisconsin.

(2) PURPOSE AND INTENT: To promote and protect the public trust in navigable waters and to effect the purposes of s. 281.31, Stats, by aiding in the fulfillment of the state's role as trustee of its navigable waters; limiting the direct and cumulative impacts of shoreland development; and promoting the public health, safety, convenience and general welfare, this ordinance has been established to:

(a) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
- (1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
- (2) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
- (3) Controlling filling and grading to prevent soil erosion problems.
- (4) Limiting impervious surfaces to control runoff which carries pollutants.

(b) Protect spawning grounds, fish and aquatic life through:
- (1) Preserving wetlands and other fish and aquatic habitat.
- (2) Regulating pollution sources.
- (3) Controlling shoreline alterations, dredging and lagooning.

(c) Control building sites, placement of structures and land uses through:
- (1) Prohibiting certain uses detrimental to the shoreland-wetlands.
- (2) Setting minimum lot sizes and widths.
- (3) Setting minimum building setbacks from waterways.
- (4) Setting the maximum height of near-shore structures.

(d) Preserve and restore shoreland vegetation and natural scenic beauty through:
- (1) Restricting the removal of natural shoreland cover.
- (2) Preventing shoreline encroachment by structures.
- (3) Controlling shoreland excavation and other earth-moving activities.
- (4) Regulating the use and placement of boathouses and other structures

16.03 TITLE

This chapter shall be known, referred to or cited as the Shoreland Protection Ordinance of Barron County, Wisconsin.

16.04 EFFECTIVE DATE

(1) IN GENERAL.

(a) SHORELAND JURISDICTION AREAS. Unless otherwise expressly stated, the effective date of this chapter as adopted on 11/10/2026, in all areas of the county within county shoreland zoning jurisdiction shall be 11/10/2026.

16.05 GENERAL PROVISIONS

AREAS TO BE REGULATED: Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Barron County which are:

(1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages or within one thousand (1,000) feet of the high-water mark of navigable glacial pothole lakes.
(2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.
(3) The provisions of this section apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1m), Stats, applies. Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.
(4) Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate office of the Department of Natural Resources ("Department") for a final determination of navigability or ordinary high-water mark. The county may work with surveyors with regard to s. 59.692(1h), Stats.
(5) Under s. 281.31(2m) Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
    (a) Lands adjacent to farm drainage ditches if:
        1. Such lands are not adjacent to a natural navigable stream or river.
        2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
    (b) Lands adjacent to artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable water body.

16.06 COMPLIANCE

The use of any land; the size, shape and placement of lots; the use, size, type and location of structures on lots; the filling, grading, lagooning, and dredging of any lands; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings, other structures, and land disturbances (including filling and grading, etc.) shall require a permit unless otherwise expressly excluded by a provision of this ordinance.

16.07 MUNICIPALITIES AND STATE AGENCIES REGULATED.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. The construction, reconstruction, maintenance and repair of state

highways and bridges by the Wisconsin Department of Transportation are exempt when 30.2022 (1 m) Stats s., applies.

16.08 ABROGATION AND GREATER RESTRICTIONS.

IN GENERAL. The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Stats, does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

1) This ordinance shall not require approval or be subject to disapproval by any town or town board
2) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
3) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
4) This ordinance shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable, so far as practicable.
5) This ordinance may establish standards to regulate matters that are not regulated by a shoreland zoning standard under NR 115.05(1) and that further the purposes of shoreland zoning as described in section 16.02 of this ordinance.
6) This ordinance may not require any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

16.09 SEVERABILITY.

If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

16.10 DIMENSIONAL STANDARDS.

Permitted building setbacks and dimensional standards shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water *to further the purpose of Chs 281.31 Wis Stats*. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

(1) LOT SIZE.

(a) PURPOSE. (NR 115.05(1)(a)) Minimum lot sizes in the shoreland area have been established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

(b) SEWERED LOTS. (NR 115.05(1)(a)1) For each lot served by public sanitary sewer the minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet with at least 65 feet of frontage width at the ordinary high water mark.

(c) UNSEWERED LOTS. (NR 115.05(1)(a)2) For each lot not served by public sanitary sewer the minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100 feet of frontage width at the ordinary high water mark.

NOTE: Barron County Land Division Ordinance requires a larger minimum lot size. The Land Division Ordinance requires a minimum lot size standard of one acre (43,560 sq.ft.) and a minimum lot width of 150 feet. The Land Division Ordinance is Section 17.50, Chapter 17, Land Use Ordinance.

16.11 SUBSTANDARD LOTS. (NR 115.05(1)(a)3)

(1) SUBSTANDARD LOTS. A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

(a) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

(b) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

(c) The substandard lot or parcel is developed to comply with all other ordinance requirements.

NOTE: The intent of this provision is to allow lots that were legally created that currently do not meet the minimum lot width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the register of deeds, which result in a larger (closer to conforming) lot should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes should be considered separate building sites and should not be considered consolidated. Lots that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.

(2) OTHER SUBSTANDARD LOTS. Except for lots which meet the requirements of section 16.10 a building permit for the improvement of a lot having lesser dimensions than those stated in sections 16.09(1)b and c shall be issued only if a variance is granted by the board of adjustment.

16.12 ILLEGALLY CREATED LOTS.

An illegally created lot is one that was created in violation of the required minimum area and minimum average width requirements of the County's shoreland zoning ordinance at the time of creation. Illegally created lots shall not be used for construction purposes without the granting of a variance.

16.13 SHORELAND SETBACKS. (NR 115.05(1)(b))

(1) PURPOSE. (NR 115.05(1)(b)) Setbacks within the shoreland area have been established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards, protect against water pollution, and otherwise limit the direct and cumulative impacts of shoreland development of the adjacent water body.

(2) SHORELAND SETBACK. (s. 59.692(1n)(am), Stats, and NR115.05(1)(b)1) A setback of 75 feet from the ordinary high water mark of any navigable water to the nearest part of a building or structure shall be required.

(3) REDUCED SHORELAND SETBACK FOR A NEW PRINCIPAL STRUCTURE.

(a) EXISTING PRINCIPAL STRUCTURES IN BOTH DIRECTIONS (I.E. TWO-SIDED AVERAGING). (s. 59.692(1n)(b), Stats) Where there are existing principal structures in both directions of a new proposed principal structure, a shoreland setback less than the required 75-foot setback from the ordinary high water mark of section 16.13(2) shall be permitted for a new proposed principal structure provided all of the following are met:

1. Both of the existing principal structures are located on lots immediately adjacent to the lot of the proposed new principal structure.
2. Both of the existing principal structures are located within 250 feet of the proposed new principal structure.
3. Both of the existing principal structures are the closest principal structure on their respective lots to the new proposed principal structure.
4. Both of the existing principal structures are located less than 75 feet from the ordinary high water mark.
5. The reduced shoreland setback shall equal the average of the distances that the two existing principal structures are set back from the ordinary high water mark.
6. The reduced shoreland setback shall not be reduced to less than 35 feet from the ordinary high water mark.

(b) <u>EXISTING PRINCIPAL STRUCTURES IN ONLY ONE DIRECTION</u> (I.E. ONE-SIDED AVERAGING). (s. 59.692(1n)(bm), Stats) Where there is an existing principal structure in only one direction of a new proposed principal structure, a shoreland setback less than the required 75' setback from the ordinary high water mark of section 16.13(2) may be permitted for a new proposed principal structure provided all of the following are met:

1. The existing principal structure is located on a lot immediately adjacent to the lot of the proposed new principal structure.
2. The existing principal structure is located within 250 feet of the proposed new principal structure.
3. The existing principal structure is the closest principal structure on its lot to the new proposed principal structure.
4. The existing principal structure is located less than 75 feet from the ordinary high water mark.
5. The reduced shoreland setback shall equal the average of 75 feet and the distance that the existing principal structure is set back from the ordinary high water mark.
6. The reduced shoreland setback shall not be reduced to less than 35 feet from the ordinary high water mark.

(4) <u>EXEMPT STRUCTURES IN THE SHORELAND SETBACK AREA</u>. (s. 59.692(1n)(d), Stats, s. 59.692(1k)(a)(6), Stats, s. 59.692(1v) Stats, NR 115.05(1)(b)1m) All of the following structures are exempt from the shoreland setback established under section 16.13(2):

NOTE 1: Structures not identified in section 16.13(5) as exempt are prohibited.

(a) <u>BOATHOUSE STRUCTURES (DRY)</u>**.**

1. The standards for establishing a boathouse structure on a lot are as follows:
    a. One boathouse structure is permitted on a lot as an accessory structure
    b. Shall be used solely for storage of aquatic equipment.
    c. Shall not be used or designed for human habitation and shall not contain plumbing.
    d. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.

e. Shall be located entirely within the access and viewing corridor.
f. Shall be placed entirely above the ordinary high water mark.
g. Shall be constructed in conformity with floodplain zoning standards in Chapter 19;
h. Shall be setback a minimum of 10 feet from the ordinary high water mark;
i. Shall not exceed 96 square feet in floor area;
j. Shall have a pitched roof that is no flatter than 3/12 pitch and no steeper than 12/12 pitch,
which shall not be designed or used as decks, observation platforms or other similar uses. Roof eaves shall not exceed 12 inches; and
k. Sidewall height shall not exceed 8 feet.

2. An existing boathouse roof may be used as a deck, provided that:
   a. The boathouse has a flat roof.
   b. The roof has no side walls or screens.
   c. The roof may have a railing that meets the Department of Safety and Professional Services standards.

NOTE 2: Section 16.13(6)(a) does not apply to "wet" boathouses regulated under s. 30.121. 15

(b) NO SIDE, OPEN-SIDED, AND SCREENED STRUCTURES. (s. 59.692(1v), Stats) No side, open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area, provided the following requirements of s. 59.692(1v), Stats, are met:

1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
2. The total floor area of all the structures in the shoreland setback area of the property will not exceed 200 square feet and no more than 12" above or below natural grade.
3. Boathouses shall be excluded from the calculation.
4. Wall height shall not exceed eight (8) feet, the roof shall have a minimum roof pitch of 3/12.
5. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
6. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

NOTE: The statutory requirement under 59.692(1v)(d) to preserve or establish a vegetative buffer zone for the construction of structures under 59.692(1v) is not superseded by 59.692(1f)(a).

(c) FISHING RAFTS. Fishing rafts that are authorized on the Wolf River and Mississippi River under s. 30.126, Stats.

(d) BROADCAST SIGNAL RECEIVERS. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

(e) UTILITY STRUCTURES. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, and private on-site wastewater treatment systems that comply with ch. SPS 383, Wis. Admin. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that are constructed and placed using best management practices to infiltrate or otherwise control storm water runoff from the structure.

(f) WALKWAY, STAIRWAY, OR RAIL SYSTEM. A walkway, stairway, or rail system that is necessary to provide pedestrian access to the shoreline and is a maximum of 60-inches in width. One pedestrian access (i.e. stairway, walkway, path) up to 60 inches in width is permitted on each lot. All pedestrian accesses are subject to the following standards:

(1) The pedestrian access, when passing through the vegetative buffer zone as described in 16.21(2)(b), shall be located within the viewing and access corridor.

(2) The pedestrian access shall be established or constructed in a manner that requires the least amount of land disturbance possible, will not be prone to soil erosion, and observes the purpose and intent of this section as stated in sub. 16.02(2).

(3) The pedestrian access shall be located and designed in a manner to provide a reasonably direct route of travel from the principal structure to the primary shoreline access (i.e. main boat dock location). Walkways and boardwalks that are situated parallel to the shoreline, which deviate from the purpose of providing a direct route of pedestrian access to the shoreline, shall be prohibited.

(4) Pedestrian accesses that meander or have switch back designs that do not accomplish a reasonably direct route of travel from the principal structure to the primary shoreline access are prohibited. These types of designs often involve excessive land and vegetation disturbance activities that violate the purpose and intent of this section as stated in sub. 16.02(2). Where land conditions warrant, such as steep slope and bluff situations, switch back designs may be permitted after review.

(g) DEVICES OR SYSTEMS USED TO TREAT RUNOFF FROM IMPERVIOUS SURFACES. (s. 59.692(1k)(a)6, Stats, and s. 59.692(1k)(am)1, Stats) Devices or systems used to treat runoff from impervious surfaces, provided the requirements of s. 59.692(1k)(a)6, Stats, and s. 59.692(1k)(am)1, Stats, are met.

(h) FENCE. (s. 59.692(1n)(d)7, Stats) A fence along a roadway that meets all of the following requirements:

1. Is not taller than 15 feet.
2. Is located not less than 2 feet landward of the ordinary high water mark.
3. Is located entirely outside of a highway right-of-way.
4. Is located not less than 10 feet from the edge of a roadway and not more than 40 feet from the edge of a roadway or highway right-of-way, whichever is greater.
5. Is generally perpendicular to the shoreline.

(i) BRIDGES. A bridge for which the department has issued a permit under s. 30.123, Stats.

16.14 GENERAL SETBACKS

(1) Every lot or parcel shall contain setback areas from highways and lot lines as required by the zoning district in which the lot or parcel is located.

(a) Every part of a required setback area shall be open and unoccupied by structures from the ground upward.

(b) No lot area shall be so reduced by a land division that the setback areas shall be smaller than that required by this chapter.

(c) METHOD OF MEASURING ACTUAL SETBACK DISTANCE FOR DETERMINING COMPLIANCE WITH MINIMUM SETBACK REQUIREMENTS. The actual distance a structure is, or will be, setback from a subject boundary line (i.e. highway centerline, lot line, ordinary high water mark line) is determined by

measuring along a horizontal line from the nearest part(s) of the subject structure to where the line intersects the subject boundary line at its nearest point.

(2) EXEMPTIONS FROM GENERAL REQUIREMENTS. The following are exempt from the setback requirements of subsection (3) and (4):

(a) Public utility service lines and mechanical appurtenances thereto, where permitted in the zoning district, may be established and maintained within required yard spaces.

(b) Platforms, terraces, walks, driveways and parking areas extending not more than 12" above the average ground level at their margins, may be located in any required yard. Such facilities may not include coverings within required yard areas. No parking space shall be established or used within a vision clearance triangle.

(c) Fences and walls may be located in any required yard area, provided that they do not exceed 4 ½ feet in height when located along a lot line that does not abut a road or street, or 3 ½ feet when located along a lot line that does abut a road or street, or 2 ½ feet when located within a vision clearance triangle. Chain link fences, up to six (6) feet in height, that can be seen through may be located in all of the locations described above, except there shall not be fences or walls in shoreland setback areas.

(d) Retaining walls which support ground at or below its natural level, and which extend no more than 12" above the ground level on any one side, may be located in any required yard space.

(e) Hedges within required setback spaces shall comply with the standard established for fences and walls; provided however, that windbreaks on operating farms are exempted from the height limitations unless located within 50' of the boundary of an adjoining residential lot.

(f) Within highway setback lines, only the following objects may be established in addition to those specified above for side or rear yard setback areas, and then only if allowed in the zoning district:

1. Telephone and power transmission and distribution towers, poles and lines, transformers, substations, repeater stations and similar necessary mechanical appurtenances, and portable equipment housing that are readily removable in their entirety, microwave radio relay towers and appurtenances, underground utility lines and other underground structures not capable of being used as foundations for prohibited over-ground structures. Additions to and replacements of all such structures which existed before the effective date of this chapter may be made, provided the owner files with the County Clerk, an agreement in writing to the effect that the owner will remove all new construction, additions, and replacements erected after the adoption of this chapter at his expense, when necessary for the improvement of the highway.

2. Access or service highways constructed according to plans approved by the County Highway Committee.

3. Septic tanks and other private means of waste disposal, if allowed by the Sanitary Code, Wisconsin Administrative Code, SPS 383.

4. The planting and harvesting of field crops, shrubbery or trees, except as these may be restricted within a vision clearance triangle.

5. Within a vision clearance triangle, no structure or object of natural growth shall be so constructed, maintained or permitted to grow as to obstruct the view between a height of 2 ½' and 10' above the elevation of the street or highway. This regulation shall not apply to the trunks of trees, posts not over 6" square or in diameter, retaining walls used to support ground at or below its natural level, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one highway or street to another.

(3) HIGHWAY SETBACK REQUIREMENTS.

(a) ESTABLISHED. Highway setback lines are established as provided hereunder for all lands along public and private roads. Within the areas defined by the setback lines, the use restrictions set forth in this section shall apply.

(b) CLASSES ENUMERATED. For the purpose of determining setback lines, the streets and highways of the county are divided into the following classes and the setback lines for each class are as follows:

1. CLASS A HIGHWAYS. All arterial highways classified as freeways or expressways are hereby designated as Class A Highways.

a. The setback from freeways or expressways shall be 50 feet from the right-of-way. These setbacks are also applicable to all officially mapped or highway locations or where right-of-way has been purchased for future highway locations.

2. CLASS B HIGHWAYS. All federal or state highways not designated as Class A Highways are designated as Class B Highways.

a. The setback from Class B Highways shall be 75 feet from the right-of-way or 108 feet from the centerline of such highway, whichever is greater.

3. CLASS C HIGHWAYS. All county trunk highways not designated as a Class B Highway, are hereby designated as Class C Highways.

a. The setback from Class C Highways, except County Trunk Highway "SS" (the corporate limits of the Village of Cameron to the City limits of Rice Lake), shall be 50 feet from the right-of-way or 83 feet from the centerline of such highway whichever is greater.

b. HIGHWAY SS CORRIDOR PLAN

(1) The setback requirement for County Trunk Highway "SS"; (the corporate limits of the Village of Cameron to the City limits of Rice Lake) shall be 150 feet from the centerline of the closest double lane of traffic. Buildings which were constructed prior to the effective date of this Chapter, on lands abutting Highway SS from the corporate limits of Cameron to the City limits of Rice Lake, which do not conform to the setback dimensional rules shall continue to exist.

4. CLASS D HIGHWAYS. Other highways, such as Town roads, not included in the above classifications are hereby designated as Class D Highways.

a. The setback from Class D Highways shall be 63 feet from the centerline of such highways or 30 feet from the right-of-way line whichever is greater.

5. PRIVATE ROAD AND EASEMENT SETBACK: Setbacks from a private roadway or access easement for the purpose of vehicular traffic shall be 30 feet from the right of way line. If no right of way line is recorded, the required setback shall be 30 feet measured from the edge of the established road surface.

(c) QUICK REFERENCE TABLE OF MINIMUM HIGHWAY SETBACK REQUIREMENTS:

Minimum Highway Setback Requirements (feet)		
Highway Type & Class	**Centerline**	**Right-of-Way**
Expressway/Freeway (A)	N/A	50'
State/Federal Highway (B)	108'	75'
County Highway (C)	83' *	50' *
Town Road (D)	63'	30'
Easement/Private Road	N/A	30'

* On CTH SS between Cameron and Rice Lake a 150' setback from the centerline of the closest lane of traffic shall be required. See Section 17.13(3)(b)3.b.(1)

Note: Road setback to be enforced shall be from the centerline or the right-of-way, whichever measurement is more restrictive.

(d) VISION CLEARANCE TRIANGLES AT INTERSECTIONS. In addition to the setback lines established under this subsection which parallel the road, setback lines shall be established hereunder to create vision clearance triangles at intersections. There shall be a vision clearance triangle setback line in each quadrant of all intersections of roads or streets, with other roads or streets, and of roads or streets with railroads. The vision clearance triangle shall be bounded by the road or railroad right-of-way lines, and a vision clearance setback line connecting points on each right-of-way which are located a distance back from the intersection of the right-of-way lines equal to twice the setback required on the intersecting road or street. In the case of railroads, the setback, for the purposes of this paragraph, shall be considered to be 100' from the centerline of the right-of-way. In addition, the following special rules shall apply:

1. At intersections with transitional widening, such transitional widening shall be considered as additional width, and the setback line on the side of the road which is widened shall be increased by an amount equal to the width of such transitional widening.

2. At intersections with curve connections, the road shall be classified as provided above and the setback along the curve determined accordingly. The vision clearance triangle shall be computed as if the roads intersected without the curve connection, and whichever line provides the greater vision clearance opening shall prevail.

(e) EFFECT OF WIDENING ON SETBACK LINES.

1. A taking or purchase of land for road purposes along any road which changes the right-of-way or centerline shall not render nonconforming as to setback property abutting such road which was improved prior to such taking or purchase. This regulation shall apply to the principal building of such property and to any accessory buildings having a permanent foundation, and a ground floor area of 600 sq. ft. or more; provided, that no addition to any such building shall extend closer to such road than the building of which it is part.

2. The setback lines along intersecting roads shall not be changed because of the acquisition of land at such intersection, by any governmental agency, when such land shall have been acquired for vision clearance purposes only.

(f) REDUCED SETBACKS.

1. Reduced setbacks as provided below, if approved, shall be set by the Zoning Administrator upon consultation with the Highway Commissioner or other town officials.

2. Reduced setbacks may be established where there is at least one main building on either side of the applicant's proposed building site within 200 ft. of the proposed site. The reduced setback shall not be less than the average of the setbacks of the existing main buildings on each side of the proposed site. Where there is only one existing main building, the setback shall not be less than the average of the setback of existing building and the required setback.

3. Reduced setbacks may be established where right-of-way lines are marked irregularly along a stretch of road.

4. Setbacks may be reduced to allow placement of garages in accessible locations on steeply sloped lots, provided, however, that no garage may be located less than one car length distant from the right-of-way line.

(g) SETBACKS WHERE THE ROAD DOES NOT EXTEND ACROSS THE ENTIRE FRONTAGE. In situations where the road serving a property terminates in a location contiguous to the property, the setback shall be

measured from the road and from a computed extension of the road, unless the Zoning Administrator determines after diligent inquiry that there is no possibility that the road will ever be so extended.

(4) YARD SETBACK REQUIREMENTS

(a) Minimum rear and side yard setback standards apply based on the type of structure in question and the zoning district for which the structure is/will be located.

(b) Minimum yard setback requirements are established in the table below.

Minimum Yard Setback Requirements (feet)

TYPE OF STRUCTURE	YARD	ZONING DISTRICT A-1, A-2	B	C-1	C-2	I	MR	R-1, R-2, R-3, RR	UV
Principal Structures	**Side yard**	10′	6′; or 10′ if abutting a Residential lot	Determined by Board of Adjustment as a condition of Special Exception	10′	Refer to 17.39(3)	***Agricultural & Conservancy Uses:*** Refer to A-1 setbacks	10′	10′
	Rear yard	25′	12′		25′			25′	25′
							Mineral Uses: Refer to 17.31(3)(b)		
Accessory Structures	**Side yard**	10′	6′; or 10′ if abutting a Residential lot		10′			10′	10′
	Rear yard	10′	12′		10′			10′	10′

16.15

STRUCTURES IN THE FLOODPLAIN. (NR 115.05(1)(b)2)

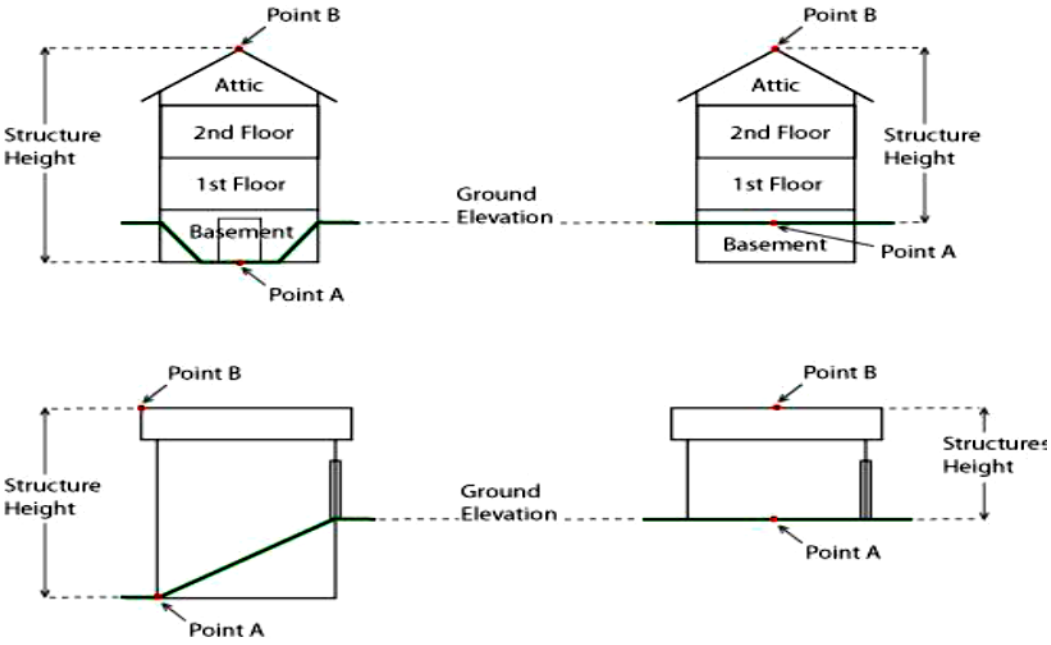
Buildings and structures to be constructed or placed in a floodplain shall be required to comply with Chapter 19, Barron County Floodplain Ordinance.

16.16 HEIGHT. (NR 115.05(1)(f))

(1) PURPOSE: To protect and preserve wildlife habitat and natural scenic beauty.

(2) HEIGHT STANDARD. A structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters is prohibited.

(3) MEASURING HEIGHT. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



16.17 LOT REQUIRED FOR EACH USE; STREET ACCESS.

(1) Every building shall be located on a lot and, except for nonresidential agricultural structures, farm related dwelling units, and planned residential developments, only one principal structure shall be located, erected or moved onto a lot.

(2) All lots shall abut a public street or approved private road or other way which is constructed to applicable road standards.

(a) All lots created under 16.09 not abutting a public road or street shall utilize a recorded 66 ft. access Easement.

(b) The establishment of three (3) or more lots shall require that all lots abut a road constructed to township road design standards as per State Stats 82.50, which shall be located within the 66 ft. access easement, as a minimum.

(3) No permit shall be issued for construction on lots which do not meet these requirements.

16.18 PARKING

(1) **PARKING SPACES REQUIRED.**

(a) Multiple family dwelling structures shall provide 1.5 off-street parking spaces for each dwelling unit, plus one.

(b) Manufactured H Communities shall provide off street parking spaces as provided in section 16.34.

(c) The Board of Adjustment may determine a minimum number of off street parking spaces for any use for which it approves a special exception permit.

(2) **DESIGN AND DEVELOPMENT OF REQUIRED PARKING SPACES.**

(a) No parking space required under this chapter shall be used for any other purpose.

(b) All parking spaces shall be graded and drained so as to prevent the accumulation of surface waters.

(c) Parking lots containing 10 or more parking spaces which are located in a residential district or adjoin residential lots shall be screened along the side or sides of such lots which abut the lot lines of residential lots by a solid wall, solid fence, evergreen planting of equivalent opacity or other equally effective means, built or maintained at a minimum of 4' in height. If parking lots so located are lighted, the light shall be so shielded as to prevent undesirable glare or illumination of adjoining residential property.

(d) All off street parking areas of more than 10,000 sq. ft. shall provide and maintain canopy type shade trees along with other forms of vegetation hardy to the region in tree islands and/or planting buffer strips totaling not less than 3% percent of the surfaced parking area.

(e) One off street parking space shall be 12' wide and 288 sq. ft. in area, exclusive of adequate ingress and egress driveways to connect with a public thoroughfare. A single stall garage, or one stall in a multiple stall garage, may replace any single required parking space.

16.19 TEMPORARY USES

(1) The following temporary uses may be established in any district from which they are otherwise excluded by the regulations of this chapter, under the conditions hereinafter specified:

(a) Real estate offices.

(b) Temporary buildings and the temporary storage of materials and equipment incidental to the construction of buildings on the premises.

(c) A house trailer or mobile home to be occupied by an owner or builder, while residential construction is in progress.

(2) Permits for such uses shall be required. The permit shall allow the temporary use for a period not to exceed one year. Extensions of the use beyond one year shall require a special exception permit.

16.20 SIGN REGULATIONS

The sign regulations of this chapter are enacted to protect the public interest by controlling signs that may cause problems of public safety or unreasonably diminish the natural beauty of the county.

(1) RULES APPLICABLE TO ALL SIGNS

(a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, except in conformity with the provisions of this section, § 84.30, Wisconsin Stats., and the Wisconsin Administrative Code. Signs shall also meet all structural requirements of local and State Building Codes.

(b) No permanent sign shall be located closer than 75' from the normal high-water elevation of any navigable water body.

(c) No sign shall resemble, imitate or approximate the shape, size, form or color of traffic or railroad signs, signals or devices, nor shall any sign obstruct or interfere with the effectiveness of such signs, signals, or services.

(d) No sign shall be erected, relocated, or maintained, so as to interfere with traffic visibility or with free ingress or egress from any door, window, or fire escape.

(e) No sign shall be lighted in such a way as to cause glare, or impair driver visibility upon public ways, or as to cause the lights to be directed toward residential land uses or navigable water bodies.

(2) SIGNS ALLOWED WITHOUT PERMITS. The following signs are allowed without a permit, subject to the following requirements.

OFF PREMISE	**MAXIMUM DISPLAY AREA**	**RIGHT-OF-WAY SETBACK**	**Maximum Frequency**	**MINIMUM DISTANCE BETWEEN SIGNS**	**DISTRICTS NOT ALLOWED**
TYPE OF SIGN					
City or Village Directory Sign	8 sq. ft.				
Directory signs for areas, homes or localities	12 sq. ft. (4 sq. ft. for cottage directory)	5 feet	2 signs along each direction of road		
Signs advertising sale of agricultural products at farms	8 sq. ft.	5 feet	1 sign per mile on each side of road		
Business Directory, free-standing or attached to buildings	50 sq. ft.	5 feet		1,000 feet	Residential and Conservancy
Signs advertising a resort or recreational activity, or product available	20 sq. ft.	5 feet	1 sign for each Hwy upon which the property faces		

ON PREMISE	**MAXIMUM DISPLAY AREA**	**RIGHT-OF-WAY SETBACK**	**Maximum Frequency**	**MINIMUM DISTANCE BETWEEN SIGNS**	**DISTRICTS NOT ALLOWED**
ON PREMISES ADVERTISING OR DIRECTORY SIGNS					
Farm Name	5 sq. ft.	5 feet			
Business	50 sq. ft.	5 feet			Residential and Conservancy
Home Occupation or Professional Office	6 sq. ft.	5 feet			

Tablet of inscription identifying present or future school, church or other public or semi-public facility.	5 sq. ft.	50 feet			
Temporary or Real Estate Signs	8 sq. ft.	5 feet			
Signs or bulletin boards for public, charitable or religious institutions	12 sq. ft.	5 feet			
Temporary new development signs, promoting a new subdivision on the development site	32 sq. ft.		1 per Subdivision site		

(3) **SIGNS REQUIRING PERMITS**. Billboards on premises, or off premises signs, which exceed 50 sq. ft. in total display area, shall be located no closer than 5 ft. from the right-of-way line, and shall be separated from each other by a minimum distance of 1,000 ft. They shall be permitted only in the Exclusive Agricultural, Agricultural, Mineral Reservation, Business and Industrial Districts, and only with a permit. Except, on State or Federal highways, they are allowed only in the Business or Industrial districts.

16.21 VEGETATION. (NR 115.05(1)(c))

(1) **PURPOSE**. (NR 115.05(1)(c)1) To protect natural scenic beauty, fish and wildlife habitat, and water quality, vegetation removal shall be regulated in a manner to protect water quality and reduce soil erosion and the flow of effluents, sediments and nutrients.

(2) **ACTIVITIES ALLOWED WITHIN A VEGETATIVE BUFFER ZONE**. (s. 59.692(1f)(b), Stats, NR 115.05(1)(c)2) A vegetative buffer zone is maintained or created to protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote the preservation and restoration of native vegetation. The vegetative buffer zone is the area that extends from the ordinary high water mark to 35 feet landward. Removal or destruction of vegetation in the vegetative buffer zone shall be prohibited except as follows:

(a) Routine maintenance of vegetation which means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

(b) The removal or destruction of vegetation for the creation of an access and viewing corridor provided the following requirements are met:

(1) The access and viewing corridor remains a strip of vegetated land for the purpose of providing safe pedestrian access to the shore through the vegetative buffer zone.

(2) The access and viewing corridor may be 35% of the shoreline frontage but in no case shall it be less than 10 feet or greater than 200 feet.

(3) The viewing corridor may run contiguously for the entire maximum width allowed based on the shoreline frontage owned.

NOTE 1: Regarding section 16.21(b)(2) there is no prohibition for the establishment of an access and viewing corridor of less than 10 feet in width.

NOTE 2: The county may require a property owner to maintain a vegetative buffer zone that existed on July 14, 2015, in concert with the provisions of s. 16.21(b).

(c) The removal of trees and shrubs on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in NR 1.25(2)(b), Wis. Adm. Code, and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal is consistent with these practices.

(d) The removal of vegetation to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard provided that any vegetation removed be replaced by replanting in the same area with native species as soon as practicable.

(e) The County may authorize by permit additional vegetation management activities such as prescribed burns or other vegetation management or removal activities where there is a demonstrable need for the additional management activity. Any permit issued by the County under this section shall include an enforceable restriction to preserve the newly restored area. Prior to issuing a permit under this Section, the County shall require the following information to be provided by the permittee:

(1). Detailed plans documenting the need and purpose are submitted and approved by the County.

(2). Sufficient information within the plans showing that it is designed to:

a. control erosion by limiting sedimentation into the waterbody;

b. improve the plant community by replanting in the same area; and

c. maintain and monitor the newly restored area.

Note: Section 59.692(1f)(a), Stats, prohibits counties from requiring a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, as part of a county's shoreland mitigation standards or enforcement where vegetation removal is prohibited, the establishment or expansion of the vegetative buffer may remain an option.

16.22 IMPERVIOUS SURFACE STANDARDS. (NR 115.05(1)(e))

(1) PURPOSE. Impervious surface standards shall be established to protect water quality, fish and wildlife habitat, and to protect against pollution of navigable waters.

(2) APPLICABILITY. (NR 115.05(1)(e)1) Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement, or relocation of any impervious surface that is or will be located within 300 feet of the ordinary high water mark of any navigable waterway on any of the following:

(a) A riparian lot or parcel.

(b) A non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high water mark of any navigable waterway.

(3) CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. (NR 115.05(1)(e)1m), 59.692(1k)(am)1) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in sections 16.22(4) and 16.22(5) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common

ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

NOTE 1: NR 115.05(1)(e)1m clarifies that if an outlot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then the county should determine what level of control the property owner has over that portion of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc. on that portion of the lot or does some other entity have control over development? If a property owner has no or little say over construction on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.

NOTE 2: For properties that have been "condominiumized" the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

(4) <u>TREATED IMPERVIOUS SURFACES</u>. (NR115.05(1)(e)3m and s. 59.692(1k)(am)1, Stats) Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations under section 16.22(3):

(a) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.

(2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

NOTE 1: The provisions in section 16.22(4) act similarly to an exemption by excluding certain impervious surfaces from being included in the calculation of impervious surfaces and as such should be read and construed narrowly. A property owner is entitled to the exclusion under section 16.22(4) only when the property owner can demonstrate (see NOTE 2) that the runoff from a specific and specific area of impervious surface is being treated by and/or infiltrated consistent with section 16.22(4). If demonstrated, that specific impervious surface will not be included in the calculation of impervious surface for the purposes of implementing the impervious surface standards in this ordinance.

NOTE 2: To qualify for the exclusion under section 16.22(4), a property owner shall submit a complete permit application that is reviewed and approved by the county. The application shall include 1) calculations showing how much runoff is coming from each of the impervious surface areas and cumulatively on the property; 2) documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area; and 3) an implementation and maintenance schedule. The county shall create an enforceable obligation with the property owner to establish and maintain the functional operability of the treatment system, treatment devices, or internally drained area The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

NOTE 3: If a property owner or subsequent property owner fails to maintain the treatment system or treatment device to manufacturer and/or installer operational specifications, and/or maintain the existence and functional operation of an internally drained area, the associated impervious surface is no longer to be excluded from the

calculation of impervious surface under section 16.22(3). Under such a scenario the treatment system or treatment device no longer serves as a means for reducing the impervious surface on the property owner's lot and the impervious surface on the property is to be recalculated immediately. If the percentage of impervious surface exceeds the standard of section 16.22(6), the standards of section 16.22(7) shall be met.

NOTE 4: If under section 16.22(4)(b) the runoff does drain to and infiltrate on a parcel other than the property where development is proposed it must be demonstrated that the runoff is being retained and infiltrated on the other property. It must also be demonstrated that the runoff is not being directly piped to or otherwise directed towards the neighboring property unless as a part of a subdivision or PUD plat that contains a stormwater runoff plan. The area on the existing or neighboring property that is retaining and infiltrating the runoff must be noted in the county file so that it is not developed in the future. If the parcel that is retaining and infiltrating the runoff is developed in the future it no longer serves as a means for reducing the impervious surface on the property owner's lot. Under such scenario the impervious surface on the property is to be recalculated immediately. If the percentage of impervious surface exceeds the standard of section 16.22(6), the standards of section 16.22(7) shall be met.

(5) ROADWAYS & SIDEWALKS. (59.692(1k)(am)3, Stats) Roadways defined in s. 340.01(54), Stats, and sidewalks defined in s. 340.01(58), Stats, shall be excluded from the impervious surface calculation under section 16.22(3).

NOTE: The roadways and sidewalks of section 16.22(5) are only those as defined. The exclusion from the impervious surface calculation does not apply to all driveways and sidewalks.

(6) GENERAL IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)2) The percentage of impervious surface allowed on a lot or parcel described under section 16.22(2) and as calculated under section 16.22(3) shall not exceed 15%.

(7) MAXIMUM IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)3) A lot or parcel may exceed the impervious surface standard under section 16.22(6) provided the following standards are met:

(a) A lot or parcel described under section 16.22(2), calculated under section 16.22(3), and under the general impervious surface standard of section 16.22(6) may have greater than 15% impervious surface but not more than 30% impervious surface.

(b) For lots or parcels that exceed the standard under section 16.22(6) but do not exceed the maximum standard section 16.22(7)(a), a permit can be issued for development with a mitigation plan that meets the standards found in section 16.26.

(8) EXISTING IMPERVIOUS SURFACES. (NR 115.05(1)(e)4) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 16.22(6) or the maximum impervious surface standard in section 16.22(7), the property owner may do any of the following:

(a) Maintain and repair the existing impervious surfaces;

(b) Replace existing impervious surfaces with similar surfaces within the existing building envelope; or

(c) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in section 16.13.

16.23 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING.

(1) PURPOSE. To protect natural scenic beauty, fish and wildlife habitat, and water quality, land disturbances may be allowed and authorized only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

(2) APPLICABILITY. Filling, grading, lagooning, dredging, ditching, and excavating may be authorized by permit according to section sub. 3 and sub. 4, and only if done in a manner that meets the purpose of sub. 1.

(3) GENERAL STANDARDS. All filling, grading, lagooning, dredging, ditching or excavating activities including any activity that does not require a permit under (3) may be allowed in the shoreland area provided that:

(a) It is not done within the vegetative buffer zone unless necessary for establishing or expanding the vegetative buffer.
(b) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
(c) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland wetland district meets the requirements of section 16.31.
(d) All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.
(e) Any fill placed in the shoreland area is protected against erosion by the use of vegetative cover or stabilized in another acceptable and approved manner.
(f) No land disturbance shall occur within 35 feet landward of the OHWM unless it is determined to be necessary and there is no other reasonable alternative to accomplish the following:
    1. Gain pedestrian access to the waterbody in accordance with section 16.13.
    2. Repair and stabilize, with vegetation whenever feasible, an on-going erosion issue.
    3. Prepare an area for replanting or expanding a vegetative buffer.
    4. Reclaim an area back to its original grade after land disturbance that was done in violation of this code or after removal of a nonconforming structure or building.

(4) PERMIT REQUIRED. Except as provided in (a), a grading permit is required:

(a) For any filling or grading of any area which is within 300 feet landward of the ordinary highwater mark of navigable water and which has surface drainage toward the water and on which there is any:
Filling or grading on slopes of more than 20%.
Filling or grading of more than 1,000 sq. ft. on slopes of 12% 20%.
Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.
(b) For any filling or grading of more than 100 square feet within the shoreland setback area as per Section 16.13(2)
(c) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary highwater mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

(5) PERMIT CONDITIONS. In granting a grading permit under (b), the following conditions shall be attached, where appropriate, in addition to those provisions specified in section 16.46(5)(d).

(a) The minimum amount of bare ground shall be exposed for the shortest time as feasible.
(b) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
(c) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
(d) Lagoons shall be constructed to avoid fish trap conditions.
(e) Fill shall be stabilized according to accepted engineering standards.

(f) Filling shall comply with the floodplain zoning standards of Chapter 19, Floodplain Ordinance, and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

(g) Construction associated with land disturbances are encouraged to be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

16.24 NONCONFORMING USES. (NR 115.05(1)(g)1-3, s. 59.69(10), Stats)

(1) APPLICABILITY. This section applies to a use of a dwelling, building, or parcel of land that existed lawfully before the existing zoning ordinance was enacted or amended, but that does not conform to the allowed uses in the current ordinance. (s. 59.69(10)(ab), Stats)

(2) GENERAL RULE. (s. 59.69(10), Stats)

(a) The continuance of the lawful use of any building, premises, structure, or fixture for any trade or industry for which such building, premises, structure, or fixture is used at the time that the ordinance takes effect may not be prohibited. (s. 59.69(10)(am), Stats, NR 115.05(1)(g)1)

(b) The alteration of, or addition to, or repair in excess of 50 percent of its assessed value of any existing building, premises, structure, or fixture for the purpose of carrying on any prohibited trade or new industry within the district where such buildings, premises, structures, or fixtures are located, may be prohibited. (s. 59.69(10)(am), Stats)

(c) The county may prohibit the continuance of the nonconforming use of a temporary structure. (115.05(1)(g)2)

(d) If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance. (115.05(1)(g)3)

(e) A manufactured home community licensed under s.101.935, Stats, that is a nonconforming use continues to be a nonconforming use notwithstanding the occurrence of any of the following activities within the community: (s. 59.69(10)(at), Stats)

1. Repair or replacement of homes.
2. Repair or replacement of infrastructure.

NOTE: Under general zoning any change of use must meet underlying zoning provisions.

16.25 NONCONFORMING STRUCTURES. (NR 115.05(1)(g)4-6, s. 59.692(1k)(a)2, 4 and (b), Stats)

(1) APPLICABILITY. This section applies to an existing principal or accessory structure that was lawfully placed when constructed but that does not comply with the current required ordinary high water mark setback of a navigable waterway.

(2) MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. (s. 59.692(1k)(a)2,4 and (b), Stats) A structure that was lawfully placed when constructed but that does not comply with the required shoreland setback per section 7 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, a structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may

be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. The expansion of a structure beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements.

NOTE: Sections 59.692(1k)(a) 2,4 and (b), Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 16.25(2) However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or stormwater erosion control.

(3) LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURES WITHIN THE SETBACK. (NR 115.05(1)(g)5) An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback per section 16.13 may be expanded laterally, provided that all of the following requirements are met:

(a) The use of the structure has not been discontinued for a period of 12 months or more if a conconforming use.

(b) The existing principal structure is at least 35 feet from the ordinary high-water mark.

(c) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.

(d) Issue a permit that requires an approved mitigation plan that shall be implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 18.

(e) All other provisions of the shoreland ordinance shall be met.

(4) EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURES BEYOND THE SETBACK. (NR 115.05(1)(g)5m) An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback under section 16.13 may be expanded horizontally, landward, or vertically provided that the expanded area meets the shoreland setback requirements per section 7 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph.

(5) RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURES. (NR 115.05(1)(g)6) An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback per section 16.13 may be relocated on the property provided all of the following requirements are met:

(a) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

(b) The existing principal structure is at least 35 feet from the ordinary high-water mark.

(c) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

(d) The county determines that no other location is available on the property to build a principal structure if a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per section 16.12.

(e) The county issues a permit that requires an approved mitigation plan that shall be implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 16.25

(f) All other provisions of the shoreland ordinance shall be met.

(6) MAINTENANCE, REPAIR, REPLACEMENT, OR VERTICAL EXPANSION OF A STRUCTURE AUTHORIZED BY VARIANCE. (s. 59.692(1k)(a)2 and 4, and (b), Stats)

(a) A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015, may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. The expansion of a structure beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements

NOTE 1: Any conditions placed on a previously granted variance remain binding and thus may override allowances in section 16.25(6) in part or in whole depending on the specific details of the condition(s).

NOTE 2: Section 59.692(1k)(a)2, Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 16.25. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or stormwater erosion control.

(7) MAINTENANCE, REPAIR, OR REPLACEMENT OF AN EXISTING EXEMPT STRUCTURE IN THE SHORELAND SETBACK AREA. (s. 59.692(1k)(a)2m, Stats, s. 59.692(1k)(a)6, Stats, s. 59.692(1k)(b), Stats, s. 59.692(1k)(bm), Stats)

(a) All or any part of an existing exempt structure under section 16.13(5) (s. 59.692(1n)(d), Stats) may be maintained, repaired, replaced, restored, rebuilt or remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure.

(b) An activity allowed under section 16 shall be allowed to expand the footprint of the structure provided it is the minimal expansion necessary to comply with applicable state or federal requirements.

NOTE: Section 59.692(1k)(a)2m, Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the structures or activities specified in section 16. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, land disturbance, or stormwater erosion control.

(8) MAINTENANCE, REPAIR, OR REPLACEMENT OF A BUILDING OR STRUCTURE IN VIOLATION OF A COUNTY SHORELAND ZONING ORDINANCE THAT MAY NOT BE ENFORCED. (s. 59.692(1t), Stats, s. 59.692(1k)(a)2.c, Stats)

(a) An enforcement action may not commence against a person who owns a building or structure that is in violation of a shoreland zoning standard or this shoreland zoning ordinance if it has been in place for more than ten years.

(b) A building or structure that is in violation of a shoreland zoning standard or this shoreland zoning ordinance but has been in place for more than ten years may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. However, the structure may not be vertically or laterally expanded.

16.26 MITIGATION.

Development and human activity around the lakeshore has negatively impacted water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. Mitigation is a way to restore these natural functions of the lakeshore which have been lost through development and human activities.

(1) WHEN REQUIRED. When the County receives a Land Use Permit Application for certain shoreland activities which require mitigation, the property owner must also submit a completed Shoreland Mitigation Plan for review and approval by the County. The shoreland activities that require mitigation include:

(a) Increase of impervious surface as described in section 16.26(7)(a).

(b) Lateral expansion to a nonconforming principal structure as described in section 16.24(3).

(c) Relocation of a principal structure as described in section 16.24(5).

(d) A shoreland activity that is granted by the Board of Adjustment through a variance. As a condition of approval, the Board may require mitigation if the activity is occurring within the shoreland setback.

(2) MITIGATION OPTIONS. The applicant has an array of mitigation options to choose from, which are detailed in Appendix A. These options can involve mitigation practices such as preserving existing natural vegetative buffers, restoring vegetative buffers that have been removed, and installing stormwater infiltration features.

(a) The purpose of these practices is to restore the natural functions of the shoreland ecosystem, which have been lost through development and human activities.

(b) The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

(3) THE PLAN. A written plan must be submitted to the Zoning Office for review and approval, which describes and illustrates the proposed mitigation practices. The plan shall consist of:

(a) A completed Shoreland Mitigation Plan worksheet, which will indicate the mitigation practices that are proposed along with other information pertaining to each specific mitigation practice. This worksheet is furnished by the Zoning Office.

(b) A Barron County Land Use Application - Filling & Grading will be required for land disturbance activities which meet criteria as set forth in Section 16.23.

(c) A site plan which illustrates the proposed mitigation practices and all relevant size and location information.

(d) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation practices.

1. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.

2. All necessary mitigation practices indicated in the approved Shoreland Mitigation Plan must be initially completed within one (1) year from the issue date of the associated Land Use Permit. Completion of mitigation obligations will be verified by an onsite inspection conducted by zoning staff.

3. All mitigation obligations included in the approved Shoreland Mitigation Plan must be established by the required date of completion and maintained by the current property owner and by all subsequent property owners thereafter.

(4) ENFORCEMENT OF OBLIGATIONS. Zoning staff will conduct onsite inspections to verify that the mitigation obligations have been completed within 1 year of issuance of the associated Land Use Permit and that the practices are being maintained thereafter. Failure to complete and/or maintain the mitigation practices

contained in the Shoreland Mitigation Plan will be considered a violation of the Barron County Land Use Ordinance. Violations will be forwarded to the Barron County Corporation Counsel for prosecution in accordance with Section 16.50 of this code.

(5) APPENDIX A

Below is a catalog of the mitigation practices, and their point values, that are available for completing a Shoreland Mitigation Plan. **3 points are required** to satisfy a Shoreland Mitigation Plan.
A brief explanation of these options can be found on the pages below. More detailed information with diagrams and photos can be found in the Shoreland Mitigation Handbook which is available on the Barron County Website and in the Zoning Office.

MITIGATION OPTION CATALOG (3 points required)	
Type of Mitigation Practice	Number of Points
(1) Update or replace a non-compliant Sanitary System	2
(2) Preserve or restore a vegetative buffer zone that extends 35 feet landward from the ordinary high water mark (OHWM). (Must be native plants)	2
(3) Preserve or restore a vegetative buffer zone that extends 50 feet landward from the OHWM. (Must be native plants)	3
(4) Viewing and Access Corridor width of 15 feet or less	1
(5) Install a rock infiltration trench or pit	Up to 3 points
(6) Install a rain garden with native plantings, or similar feature	Up to 3 points
(7) Preserve or restore both shoreland sideyard areas with native plants	1
(8) Remove or relocate a nonconforming building or impervious structure, which is located within the shoreland setback, to a compliant location.	1 point for each structure

EXPLANATION OF MITIGATION OPTIONS

Note: All Mitigation Plans must contain a written portion and site plan which provides all pertinent details to show that these mitigation options meet the necessary criteria for earning the proposed mitigation points.

(1) Update or replace a non-compliant Sanitary System. 2 points

In situations where the current Private Onsite Wastewater Treatment Systems (POWTS) on the property is potentially non-compliant, updating or replacing the system to make it code compliant can earn mitigation points. A non-compliant POWTS could potentially be releasing effluent into the soil which percolates into groundwater and possibly the nearby waterbody. Upon discussion with zoning staff, if it appears that the system may be non-compliant, the landowner would be advised to hire a Master Plumber, Master Plumber Restricted Sewer, or a POWTS Maintainer to conduct a detailed evaluation of the system and submit a Barron County Sanitary System Evaluation Form to the Zoning Office for review. (In some cases, if it is determined by zoning staff that the system is quite certainly non-compliant, the requirement to get the system evaluated may be waived). If after review, the evaluation determines the system to be non-compliant, the landowner can go forward with the process for having a licensed plumber design and install a new POWTS, which would earn 2

mitigation points. In order to obtain the mitigation points, the State Sanitary Permit for the new system must be issued before the Land Use Permit is issued. The new POWTS must be installed within 1 year of Land Use Permit issuing date.

(2) Preserve or restore a vegetative buffer zone that extends 35 feet landward from the ordinary high water mark (OHWM). (Must be native plants) 2 points

A vegetative buffer zone is an area that extends landward from the OHWM of a waterbody a specified distance (35 feet in this case) and extends the entire width of the lot, with the exception of the viewing and access corridor that passes through the buffer to the waterbody. An intact vegetative buffer zone has many functions and provides many benefits for the health of the nearby waterbody and for users of those waterbodies. Some of the functions and benefits of the buffer zone are cleaning/filtration of stormwater runoff carrying pollutants which flow downhill towards the waterbody, provides near-shore habitat for wildlife, and creates natural screening between the waterbody and structures on the lot. In this part of Wisconsin, the vegetative buffer zone must be densely covered with the 3 layers of vegetation which is comprised of plants that are native to Wisconsin, and should be void of non-native/invasive species. The 3 layers of vegetation that must make up the buffer are a tree canopy layer, shrub (or tree seedling/sapling) layer, and a ground cover (i.e. grasses, forbs, ferns) layer. In order to receive 2 mitigation points, an existing compliant buffer can be preserved, or if there is not a compliant buffer on the lot currently, it can be restored/replanted. When determining if an existing buffer is sufficient or when restoring/replanting a vegetative buffer, it shall be in accordance with the standards contained in the USDA – Natural Resource Conservation Service (NRCS) guidance document *Wisconsin Biology Technical Note # 1 – Shoreland Habitat*. In general, the vegetation within the buffer zone must be left untouched, with the exception of certain removal and maintenance situations as established in Section 16.21 of this code. Note that rather than a 30 foot wide viewing/access corridor as mentioned in the NRCS document, the current allowable width for the viewing/access corridor is 35% of the lot width/water frontage as stated in Sec. 16.21(2)(b) of this code.

- Website link to Wisconsin Biology Technical Note # 1 – Shoreland Habitat: https://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSBioTechNote.pdf

(3) Preserve or restore a vegetative buffer zone that extends 50 feet landward from the OHWM. (Must be native plants) 3 points

The vegetative buffer zone follows the same standards as mentioned in Option # 2 above, except 3 points can be earned rather than 2 if the buffer extends 50 feet or more landward from the OHWM.

(4) Viewing and Access Corridor width of 15 feet or less. 1 point

As briefly mentioned in Option # 2, each lot is allowed to have a viewing and access corridor that passes through the vegetative buffer zone. Unlike in the vegetative buffer zone, more vegetation removal is allowed within the viewing and access corridor. The purpose of the corridor is to concentrate human activity such as pedestrian traffic within one area, which can involve construction of a stairway or walkway if necessary for gaining access to the waterbody and also to allow a filtered view of the waterbody. As per Section 16.21(2)(b) of this code, the standard width that a viewing and access corridor can be is 35% of the width of lot/water frontage. In order to earn 1 mitigation point, the viewing and access corridor must be 15 feet or less in width and the lot must have a vegetative buffer zone that extends at least 15 feet landward from the OHWM of the waterbody. Having a narrower viewing corridor means the vegetative buffer zone is larger, which provides for even more effective filtration of stormwater runoff moving downhill towards the waterbody, more near-shore habitat for wildlife, and natural screening between the structures on the lot and the waterbody. An existing 15 foot wide viewing corridor can be preserved, or a wider corridor can be reduced down to 15 feet by restoring/replanting the

necessary area of vegetative buffer, which must be done in accordance with the standards contained in the USDA – Natural Resource Conservation Service (NRCS) guidance document *Wisconsin Biology Technical Note # 1 – Shoreland Habitat*. Vegetation removal and maintenance within the vegetative buffer zone must be in accordance with Section 16.21(2)(a) of this code.
- Website link to Wisconsin Biology Technical Note # 1 – Shoreland Habitat:
https://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSBioTechNote.pdf

(5) Install a rock-filled infiltration trench or pit. Up to 3 points

Digging, installing, and maintaining a rock-filled infiltration trench or pit is an effective way to capture stormwater runoff carrying pollutants and allows the water to filter through the soil and recharge the ground water. Capturing the stormwater in an infiltration device lessens the amount of polluted runoff that would otherwise flow across the land downhill and enter the nearby waterbody, which has negative impacts on water quality. The sizing, location, materials, and other specifications for a rock infiltration trench or pit shall follow design standards contained in the Burnett County Land and Water Conservation Department publication *Controlling Runoff and Erosion from Your Waterfront Property – A Guide for Landowners* copyright 2008. If the infiltration device is designed to treat at least the amount of impervious surface area that is being added in the proposed construction project, 3 mitigation points can be earned. In cases where the proposed construction project involves less than 200 square feet of additional impervious surface, the infiltration device must be sized and designed to treat at least 200 square feet of impervious area, which will earn 3 mitigation points.
- Website link to Controlling Runoff and Erosion from Your Waterfront Property – A Guide for Landowners:
http://www.burnettcounty.com/DocumentCenter/Home/View/119

(6) Install a rain garden with native plantings, or similar feature. Up to 3 points

Digging, installing, and maintaining a rain garden is an effective way to capture stormwater runoff carrying pollutants and allows the water to filter through the soil and plant roots which then recharges the ground water. Capturing the stormwater in a rain garden lessens the amount of polluted runoff that would otherwise flow across the land downhill and enter the nearby waterbody, which has negative impacts on water quality. A rain garden is a shallow depression in a yard area that has a flat bottom, which is designed to have stormwater from an impervious surface directed towards it, and is planted with native plants. Native plants have much deeper roots than lawn grass, which provides for much more effective filtration of pollutants and higher capacity for water absorption. Native plantings also provide habitat for many types of birds and butterflies. The sizing, location, materials, and other specifications for a rain garden shall follow design standards contained in the WI Standards Oversight Council & WI DNR publication *Rain Gardens: A Guide for Homeowners & Landscapers*. If the rain garden is designed to treat at least the amount of impervious surface area that is being added in the proposed construction project, 3 mitigation points can be earned. In cases where the proposed construction project involves less than 200 square feet of additional impervious surface, the rain garden must be sized and designed to treat at least 200 square feet of impervious area, which will earn 3 mitigation points.
- Website links to Rain Gardens: A Guide for Homeowners & Landscapers:
High quality publishing version: https://dnr.wi.gov/topic/Stormwater/documents/RainGardenManual.pdf
Printer friendly version: https://dnr.wi.gov/topic/Stormwater/documents/RainGardenManualPrint.pdf

(7) Preserve or restore both shoreland sideyard areas with native plants. 1 point

The shoreland sideyard areas extend 10 feet into the lot and run along each side lot line. There are 2 sideyards on a typical lot. For the purposes of this mitigation practice, a shoreland sideyard area is 10 feet in width and the depth starts at a point 35 feet landward from the ordinary high water mark (OHWM) of the waterbody and extends to a point 75 feet from the OHWM, which runs parallel to the side lot line. Whether it is restoring or

just preserving, a shoreland sideyard vegetation buffer can slow down stormwater and filter out pollutants that are carried in the stormwater after a rainfall and allow it to seep into the ground, rather than flowing over the land and into the nearby waterbody. In order to receive 1 mitigation point, an existing compliant buffer can be preserved, or if there is not a compliant buffer on the lot currently, it can be restored/replanted. When determining if an existing buffer is sufficient or when restoring/replanting a vegetative buffer, it shall be in accordance with the standards contained in the USDA – Natural Resource Conservation Service (NRCS) guidance document *Wisconsin Biology Technical Note # 1 – Shoreland Habitat*. In general, the vegetation within the buffer must be left untouched, with the exception routine maintenance and removal of invasive/non-native species, diseased vegetation, vegetation causing an imminent safety hazard, provided that any vegetation removed is replaced by replanting in the same area as soon as practicable.
- Website link to Wisconsin Biology Technical Note # 1 – Shoreland Habitat:
https://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSBioTechNote.pdf

(8) Remove or relocate a nonconforming building or impervious structure, which is located within the shoreland setback, to a compliant location. 1 point for each structure

Removing a nonconforming structure from the shoreland setback area (within 75 feet of the ordinary high water mark of a waterbody) is a good way to restore the natural scenic beauty of the shoreland area and reduce the amount of impervious surfaces in close proximity to the waterbody. Buildings and other impervious surfaces located near the waterbody means there is little or no vegetative buffer to filter out pollutants that are carried in the stormwater runoff coming from those impervious surface before entering the waterbody. 1 mitigation point will be earned for each nonconforming building or other impervious surface that is removed/relocated out of the shoreland setback area. Zoning staff will determine whether the building or surface qualifies for receiving mitigation points for its removal/relocation. The footprint area of the building or surface must be restored, revegetated, and stabilized appropriately after removal. Additional requirements include:

(a) Nonconforming structures removed/relocated from the vegetative buffer zone (within 35 feet of the OHWM and outside the allowable viewing corridor).

1. The footprint location shall be restored and revegetated with native plantings and a plan for such restoration shall be created following the standards contained in USDA – Natural Resource Conservation Service (NRCS) guidance document *Wisconsin Biology Technical Note # 1 – Shoreland Habitat*.
2. A site plan shall be drawn which depicts the current location of the nonconforming structure including measurements from the OHWM, lot lines, septic system, roadways, etc.

(b) Nonconforming structures being relocated.

1. The relocated structure shall comply with all size, density, location, and use standards of the Barron County Land Use Ordinance.
2. A site plan shall be drawn which depicts the current and new location of the structure including measurements from the OHWM, lot lines, septic system, roadways, etc.
3. All necessary Land Use Permits must be obtained prior to relocation.

Website link to Wisconsin Biology Technical Note # 1 – Shoreland Habitat:
https://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSBioTechNote.pdf

16.27 LAND DIVISION REVIEW. (NR 115.05(2))

(1) Pursuant to s. 236.45, Stats, all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less shall be reviewed within a 5-year period. All of the following factors shall be considered during such a review:

(1) Hazards to the health, safety or welfare of future residents.
(2) Proper relationship to adjoining areas.
(3) Public access to navigable waters, as required by law.
(4) Adequate stormwater drainage facilities.
(5) Conformity to state law and administrative code provisions.

(2) Submission of copies of all proposed land divisions to the appropriate department staff within 10 days after they are submitted to the county for review.

NOTE: Barron County Land Land Use Ordinance, Chapter 17.50, Land Division, provides the requirements for land division and review.

ZONING DISTRICTS

16.28 ESTABLISHED

For the purpose of this chapter, the Barron County shoreland areas, as identified in section 16.05, are hereby divided into the zoning districts.

16.29 ZONING MAPS

The boundaries of these districts are established as shown upon the maps designated as the "Zoning Map of Barron County, Wisconsin," and the "Wisconsin Wetland Inventory" maps dated June 1, 1983, which are on display in the office of the Zoning Administrator and are made a part of this chapter by reference. All notations, references and other information shown upon these maps shall be as much a part of this chapter as if the matter and things set forth were fully described herein.

16.30 BOUNDARIES

(1) DISTRICT BOUNDARY LINES

In subdividing property, unless otherwise indicated on the shoreland zoning or wetlands maps, the district boundary lines are the centerlines of streets, highways, railroads, section lines or quarter-section lines or such lines extended. Whenever a zoning district is indicated on the shoreland zoning map as a strip paralleling the highway, the depth of such strip, unless otherwise indicated, shall be 300' measured at right angles to the right-of-way line of the street or highway to which it is adjacent, unless a different depth is shown on the map. The length of each strip shall be as shown on the map. When a district is located at the intersection of streets or highways, the length shall be measured from the intersection of each street highway right-of-way line included in such district. Where land has been subdivided and district boundary lines are indicated as adjacent and parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the rear lines of the lots abutting such streets. Where uncertainty exists with respect to the boundaries of the various districts shown on the maps which have been adopted and made a part of this chapter, such boundaries shall be determined by use of the scale contained on such map. Boundary determinations shall be made by the Zoning Administrator, subject to appeal to the Board of Adjustment. When an apparent discrepancy exists between the Shoreland-Wetland Overlay District boundaries shown on the wetlands maps and actual field conditions, the Zoning Administrator shall contact the appropriate field office of the Department of Natural Resources (DNR). If the DNR staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors, the Zoning

Administrator shall notify the Zoning Committee of the need to initiate a shoreland-wetland amendment within a reasonable period of time.

(2) PARCELS IN MULTIPLE ZONING DISTRICTS

(a) Any building, structure, and/or use is required to meet all district requirements for the zone in which it is located, including setbacks. A variance shall not be granted if setbacks can be met in any other zone.

(b) A permitted use is restricted to the zone(s) in which it is explicitly allowed as a permitted use (if a parcel has three zoning districts, and a use is permitted in two, the permitted use will only be granted in those two zones).

(c) A Special Exception use is restricted to the zone(s) in which it is explicitly granted.

16.31 SHORELAND-WETLAND DISTRICT. (NR 115.04)

(1) PURPOSE. This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands within the shoreland zone. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

(2) DESIGNATION. This district shall include all wetlands shown in the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

(3) SHORELAND-WETLAND MAPS. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at https://dnrmaps.wi.gov/H5/?Viewer=SWDV

(a) LOCATING SHORELAND-WETLAND BOUNDARIES. (NR 115.04(2)(b)2.note) Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

(4) PERMITTED USES. (NR 115.04(3)) NR 115 currently contains absolute standards for permitted uses in shoreland wetlands which cannot be made more or less restrictive. NR 115 does not prohibit counties to protect wetlands outside of the shoreland jurisdictional area.

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this Ordinance:

(a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:

1. Hiking, fishing, trapping, hunting, swimming, and boating;
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
3. The pasturing of livestock and the construction and maintenance of fences;
4. The cultivation of agricultural crops;
5. The practice of silviculture, including the planting, thinning, and harvesting of timber; and

6. The construction or maintenance of duck blinds.

(b) Uses which require the issuance of a zoning permit and must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:

1. The construction or maintenance of piers, docks or walkways built on pilings.
2. The construction or maintenance of nonresidential buildings, provided that all of the following apply:
   a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or used solely for a purpose which is compatible for wetland preservation;
   b. The building cannot, as a practical matter, be located outside the wetland;
   c. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and

(c) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided:

1.No filling is done
2. Any private wildlife habitat area is used exclusively for that purpose.
3.Any ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values. Any of these activities shall comply with the floodplain ordinance and secure all other required permit related to dike and dam construction.

(d) Uses which do not require the issuance of a zoning permit but which may include filling, flooding, draining, dredging, ditching, tiling, or excavating as necessary but only to the extent specifically provided below:

1. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
2. The maintenance and repair of existing agricultural drainage systems such as ditching and tiling necessary to maintain the level of drainage required to continue the existing agricultural use.
3. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges.

(e) Uses which require the issuance of a zoning permit and which may include filling, flooding, draining, dredging, ditching, tiling or excavating as necessary, but only to the extent specifically provided below:

(1) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:

a. The road cannot as a practical matter be located outside the wetland;
b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 3.6(2);
c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
d. Road construction activities are carried out in the immediate area of the roadbed only.
e. The construction of a road for silvicultural activities for temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.

(2) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members provided:

a. Such construction or maintenance is done in a manner designed to minimize flooding and adverse impact on the natural functions of the wetland enumerated in section 3.6(2).

(3) The construction or maintenance of railroad lines provided that:

a. The railroad lines cannot, as a practical matter, be located outside the wetland;

b. Such construction or maintenance is done in a manner designed to minimize flooding and adverse impact upon the natural functions of the wetland enumerated in section 3.6(2).

(f) PROHIBITED USES. (NR 115.04(4)) Any activity or use not listed in section 3.4 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 3.6 of this ordinance and s. 59.69(5)(e), Stat.

(g) REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT. (NR 115.04(2))

(1) For all proposed shoreland wetland rezoning requests under this ordinance, the appropriate office with the Department shall be provided with the following:

a. A copy of every proposed petition for a shoreland wetland rezoning request under this ordinance, within 5 days of the filing of such a request with the county clerk.

b. Written notice of the public hearing to be held on a proposed shoreland wetland rezoning request at least 10 days prior to such hearing;

c. A copy of the county zoning agency's findings and recommendations on each proposed shoreland wetland rezoning request within 10 days after the submission of those findings and recommendations to the county board; and

d. Written notice of the county board's decision on each proposed shoreland wetland rezoning request within 10 days after it is issued.

(2) (NR 115.04(2)(c)4) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

a. Storm and flood water storage capacity;

b. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

d. Shoreline protection against soil erosion;

e. Fish spawning, breeding, nursery, or feeding grounds;

f. Wildlife habitat; or

g. Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

(3) (NR 115.04(2)(c)9) If the Department notifies the county zoning agency that a proposed shoreland wetland rezoning request under this ordinance may have a significant adverse impact upon any of the criteria listed in section 3.6(2) of this ordinance, that shoreland wetland rezoning request, if approved by the county board, shall contain the following provision:
"This shoreland wetland rezoning shall not take effect until more than 30 days have elapsed after

written notice of the county board's approval of this shoreland wetland rezoning is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Stat. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6), Stat, adoption procedure is completed or otherwise terminated."

16.32 RR RECREATIONAL – RESIDENTIAL DISTRICT

The Recreational-Residential District is created to provide for a mixture of residential, recreational and commercial uses, with emphasis on commercial uses which relate to the recreational opportunities or which serve the residential properties. This district will be located primarily along or near navigable waters on lands suited for development.

(1) PERMITTED USES.

(a) **RESIDENTIAL USES.**

1. All uses allowed as permitted in the R-1 District, sec. 16.32(1).

(b) **CONSERVANCY USES**. Any use listed as permitted use in the C-1 District, sec. 16.37(1).

(c) **RECREATIONAL VEHICLES, NON-CAMPGROUND**, subject to the following standards:

1. OWNERSHIP & USE: Shall be under the ownership of the property owner, except in the case of a visiting recreational vehicle as allowed in 16.31(1)(c)3.a. Recreational vehicles shall be used for recreational purposes, not as a residence. Rental of recreational vehicles is prohibited.

2. SIZE: Shall not exceed 8.5 feet in width and 45 feet in length.

3. ALLOWABLE NUMBER: The number and use of a recreational vehicles is limited to the following:

a. LOTS WITH A PRINCIPAL STRUCTURE (ie. residence/cabin).

(1) One recreational vehicle, as personal property, may be stored in an accessible location that allows for easy removal, and may not be used for habitation or recreation.

(2) One visiting recreational vehicle may be located in the driveway area that provides the main access to the principal structure.

b. LOTS WITHOUT A PRINCIPAL STRUCTURE.

(1) One recreational vehicle, which is under the ownership of the property owner, shall be allowed per lot.

(2) One additional recreational vehicle, which is under the ownership of the property owner, may be allowed if the following criteria can be met:

(a) The lot must contain a minimum 20,000 square feet.

(b) A minimum separation of 15 feet between recreational vehicles shall be maintained.

4. LOCATION: Recreational vehicles shall be located in accordance with 16.13 , except that on lots with a principal structure, acceptable locations are stated in sub. 3.a. The recreational vehicle(s) shall be parked on a concrete, bituminous or Class 5 compacted gravel pad.

5. SANITATION: Recreational vehicles shall be equipped with internal sanitation as provided by the manufacturer, unless specifically exempted by this code.

a. For recreational vehicles with internal sanitation as provided by the manufacturer, the use of the following types of sanitation are also permitted:

(1) A transfer tank that complies with Barron County Sanitary Ordinance Chapter 17, Section 17.64(22)(a), , however, the use of a transfer tank is prohibited on lots with a principal structure. Use of a transfer tank requires a valid County Sanitary Permit and a transfer

tank pumping agreement with a licensed septage hauler must be on file with the Zoning Office.

(2) Connection to or use of a Private Onsite Wastewater Treatment System (POWTS) is prohibited on parcels with a principal structure.

b. Recreational vehicles that are not equipped with internal sanitation as provided by the manufacturer require the location of a non-plumbing sanitation system, such as an incinerating toilet or privy, on the property prior to the issuance of the Land Use Permit for the recreational vehicle. Such a system will require a Barron County Sanitary Permit and cannot be connected to the recreational vehicle.

6. PERMIT: A Barron County Land Use Permit shall be obtained for each recreational vehicle prior to its placement on the lot, except no permit is required for placement of a recreational vehicle in accordance with sub. 3.a. on a lot with a principal structure.

7. ACCESSORY USES: Accessory uses (ie. Decks, enclosed porches) may be permitted on lots without a principal structure, however, the location of such structures shall not be attached to or be located in a manner that will hinder the removal of the recreational vehicle. Each accessory structure requires a Land Use Permit prior to placement on the lot.

(2) SPECIAL EXCEPTION USES.

(a) Any use listed as a special exception use in the C-1 District, sec. 16.37(2).
(b) Any use listed as a special exception in the R-1 District, sec. 16.32(2).
(c) Hotels, motels.
(d) Resorts, including 2 or more seasonal single family dwellings for rent or lease.
(e) Restaurants, dinner clubs, taverns and other private clubs.
(f) Gift and specialty shops customarily found in recreational areas.
(g) Grocery and general stores serving the immediate neighborhood.
(h) Marinas, boat liveries, bait shops, boating and fishing equipment stores, stores engaged in sales, rentals, and repairs of outdoor recreational vehicles.
(i) Gasoline and automobile service stations.
(j) Institutions of a philanthropic or educational nature.
(k) Recreational camps.
(l) Mobile home parks. Refer to Section 16.33(2)(d).
(m) **CAMPGROUNDS**, subject to the following standards:

1. MINIMUM SIZE: Minimum area for a campground shall be five (5) acres and if located on a road or water frontage have a minimum width of 300' road and/or water frontage.

2. DENSITY: Maximum density within a campground shall be 15 campsites per acre of suitable area meeting the standards of sub. 3.

3. LAYOUT: Every campground shall be located on a well-drained area not subject to intermittent flooding, and shall be subject to the floodplain standards of the Barron County Floodplain Ordinance, Chapter 19, when applicable. The property shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the health and safety of the occupants. No campsite shall be located in any area that is situated so that the drainage from any source of pollution can be deposited thereon. Exposed ground surfaces in all parts of every parking area shall be paved or covered with stone screenings or other solid material or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.

4. ACCESS AND INTERNAL ROADS: There shall be no more than two access points from public roads, streets or highways into any campground. Internal roads shall have a minimum surface width of 20 feet and constructed concrete, bituminous or Class 5 compacted gravel pad.

5. CAMPSITE DIMENSIONS AND STANDARDS: Each campsite within a campground shall adhere to the following standards:

a. A campsite shall consist of an area not less than 40 feet wide and 60 feet long.

(1) The campsite area shall be flat with a maximum slope of 2% from the internal access road.

b. A campsite shall serve no more than one camping unit.

c. No campsite shall be within 30 feet of the campground outside boundary.

d. No campsite shall be within 75 feet of the ordinary high watermark of a navigable body of water.

e. No campsite shall be within the highway setback areas as established in 16.14(3).

6. BUFFER ZONE: The outer boundaries of the campground shall contain a thirty-foot (30') vegetative buffer zone consisting of coniferous trees and shrub plantings. Lands adjacent to any navigable waters, extending a minimum of 35 feet landward from the ordinary high water mark, shall be designated as a vegetative buffer zone in accordance with 16.21.

7. PARKING: Every campsite shall be provided with two off-street parking spaces. Parking areas shall be constructed of the same materials as internal roads.

8. PLAN DRAWING: Plan drawings of proposed campgrounds must be submitted to the Barron County Zoning Office with an application showing all campsites, parking spaces, roads, buffer zones, buildings, location of water sources, dump stations and sanitation facilities. The plan drawing shall be drawn to scale or provided with dimensions.

9. CAMPSITE IDENTIFICATION: All campsites within campgrounds shall be marked with permanent markers identifying the campsite number/name.

10. ACCESSORY STRUCTURES: The maximum area of accessory structure use on each campsite is limited to a total of 200 square feet. The standards are as follows:

a. One deck/platform not to exceed 200 square feet in area. The deck/platform shall be open sided (no walls or screens), however, a roof which does not exceed 12 feet in height and does not extend more than two (2) feet beyond the perimeter of the deck/platform is allowed.

b. One utility building, not to exceed 80 square feet in area and 10 feet in height.

c. Location of accessory structures shall be within the designated dimensions of the approved campsite.

d. A Land Use Permit shall be obtained by the campground owner/management for each accessory structure, prior to its placement on a campsite.

11. RETAIL SALES: Convenience establishments of a commercial nature, such as gasoline and grocery sales, may be permitted in a campground providing that such establishments and their related parking areas shall not occupy more than 10% of the total campground area and shall be subordinate to the recreational character of the camp.

12. SEWAGE DISPOSAL AND WATER SUPPLY: Shall comply with the Barron County Sanitary Ordinance, Chapter 17, Sections 17.63 and 17.64.

(n) **STORAGE FACILITY, SELF-SERVICE**, subject to the following standards:

1. MINIMUM SIZE. Minimum parcel size for the operation of a Self-Service Facility shall be no less than three (3) contiguous acres.

2. LOT DEVELOPMENT. Parcel shall not be encumbered by a dwelling.

3. HEIGHT. Structure(s) may not exceed sixteen (16) feet in height from the peak of the roof to the lowest point on the ground.

4. SITE PLAN DRAWINGS. Site Plan Drawing of proposed Self-Service Facilities must be submitted to the Barron County Zoning Office with the Special Exception Application. Site Plan shall be drawn to scale, and include abutting roadways, driveway locations, all proposed buildings, proposed sign(s),

internal roadways and fencing. Floor plans or building plans must be presented for each proposed Self-Service building that is being requested.

5. LAYOUT.

a. Structure(s) must be located a minimum of fifteen (15) feet from the property lines. Buildings with access door(s) facing a property line shall be located a minimum of thirty (30) feet from the property line.

b. All structure(s) shall meet required roadway and road right-of-way setbacks as established in Section 16.14, and meet the shoreland setback requirements when applicable

c. Development of parcel shall comply with Wisconsin Department of Natural Resources Stormwater regulations (WI DNR) regulations and permitting per Section NR 151 and NR 216 of WIS. Admin. Code.

6. ACCESS AND INTERNAL DRIVEWAYS.

a. Ingress/Egress for the parcel shall be limited to one access and must be designed in a manner which will have the least impact on existing traffic.

b. Approval from the appropriate municipality (Town, County or State) of the driveway access location for Business use must be submitted with the Special Exception Application.

c. Driveways and internal roadways shall have a minimum width of thirty (30) feet.

7. LIGHTING. Building lighting shall be limited to lighting that is affixed to the building(s) and shall be shrouded to illuminate an area not to exceed ten (10) feet from the building(s).

8. STORAGE. No outdoor storage of materials is allowed on parcel. All storage must occur within the approved and permitted buildings' individual units.

9. RETAIL SALES. No onsite retail is permitted.

10. SIGNS. Any signs must comply with Section 16.20.

11. FENCING. Fencing is required along the perimeter of the property, and shall be at a minimum height of six (6) feet.

(3) DIMENSIONAL STANDARDS.

(a) LOT SIZE & WIDTH: Minimum lot size and width standards shall be governed by sec. 16.10.

(b) YARD SETBACKS: Minimum rear and side yard setbacks shall be governed by sec. 16.14.

(a) DWELLING SIZE:

1. Total floor area of a dwelling, and each dwelling unit, shall be a minimum of 400 square feet. Porches, decks, attached garages, and other appurtenances, shall not be part of the required floor area.

1. The dwelling structure, which may include enclosed porches and attached garages, shall be a minimum dimension of a 20 foot x 20 foot square.

a. HIGHWAY SETBACKS: Minimum highway setback lines shall be governed by sec. 16.14(3).

(c) SHORELAND SETBACKS: Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 16.13.

(d) HEIGHT OF STRUCTURES

1. RESIDENTIAL: No building shall exceed 35 feet in height.

2. ACCESSORY STRUCTURES: Refer to height standards for detached accessory buildings, sec. 16.16.

(a) OTHER USES. Other uses not specifically stated here, but that are similar to the intent of the Recreational-Residential District.

16.33 R-1 RESIDENTIAL LOW DENSITY DISTRICT

The Residential Low Density district is created to establish and protect the essential characteristics of areas within which low density residential use should occur, along with certain community and recreational uses to serve the residents of the district.

(1) PERMITTED USES.

(a) RESIDENTIAL.

1. Single family dwellings, including manufactured homes but not mobile homes.

2. Two family dwellings, not including mobile homes.

(b) DETACHED ACCESSORY BUILDINGS. Each lot is allowed no more than two (2) detached accessory buildings subject to the following standards:

1. One (1) Main detached accessory building, which does not exceed twenty (20) feet in height, is allowed on each lot. The maximum allowable floor area is determined by the lot size, which is established in the table below:

Maximum Allowable Floor Area for Main Detached Accessory Buildings	
Lot Size (square feet)	Maximum Floor Area (sq. ft.)
15,000 or less	= 880
15,001 to 29,999	= 1096
30,000 to 43,559	= 1280
43,560 (1 acre) or greater	= 1512

2. One (1) Secondary detached accessory building, which does not exceed twelve (12) feet in height, is allowed on each lot. The maximum allowable floor area is 144 square feet.

a. A boathouse may be placed on a lot within the Shoreland Overlay Area, subject to the standards of Sec. 16.13(5). The boathouse structure will be classified as the Secondary detached accessory building.

3. The detached accessory buildings permitted under this section, shall not be designed or used in part or whole for human habitation, or any unauthorized accessory use, with the exception of a half bathroom, as defined in Sec. 16.51, which shall be connected to a POWTS

a. Connection to a POWTS shall not occur until a principal structure is established on the lot.

4. Any roof overhang (eave) that exceeds four (4) feet wide shall be included in the total floor area of the structure.

5. SITUATIONS WHERE MULTIPLE ADJACENT LOTS ARE LISTED UNDER A SINGLE TAX PARCEL IDENTIFICATION NUMBER:

a. If a landowner elects to utilize the square footage and outermost boundary lines of multiple lots combined for the purpose of ***a)*** allowing a larger accessory building than what is allowed on a single lot, and/or ***b)*** locating the building in a manner that would otherwise cross over an interior lot line or encroach on a required setback from an interior lot line, it is permitted, however, a Certified Survey Map must be created to officially combine the lots prior to issuance of a land use permit for the accessory building.

b. If a landowner has multiple adjacent lots and elects to locate an accessory building within the confines of a single lot, meeting all setback and other applicable requirements, and there are no structures presently crossing the subject lot line, it is permitted, however, a written request must be submitted to the Land Services Department requesting that the subject lot be

assigned its own Tax Parcel Identification Number prior to the issuance of a land use permit for the accessory building.

(c) HOME OCCUPATIONS. A home occupation is any occupation for gain or support, when such occupation is incidental to the residential use of the property and does not involve any external alteration that would effect a substantial change in the residential character of the building.

1. No person other than a member of the resident family shall be employed by the business.

2. The home occupation use shall be limited to no more than 25% of the floor area of a single floor of the residence.

3. A Land Use Permit is required prior to the operation of a home occupation.

(d) HOME PROFESSIONAL BUSINESS. A home professional business is any professional occupation for gain or support when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that such business is conducted solely by a member or members of the resident family entirely within the residence, that not more than 50% of only one floor of the dwelling shall be devoted to such business and that no more than two persons not members of the resident family are employed in nonprofessional capacities in any such office. A home professional business includes uses such as attorneys, doctors and dentistry offices, real estate brokerages, photographic studios and service oriented shops such as beauty and barber shops, office for tax preparation and licensed children's day care for no more than twelve (12) children. Before any home professional business may be opened, a complete septic system evaluation shall be conducted and any improvement to or replacement of the system must be completed before the business may commence. A Land Use Permit is required prior to the operation of a home professional business.

(e) SWIMMING POOLS. Swimming pools shall be enclosed with fencing no less than 4 ft. in height, constructed of materials which will be durable and difficult to climb; provided further, that all accesses to the pool area shall be only keyed locks or through an enclosed building.

(f) LIVESTOCK, subject to the following standards:

1. <u>LOTS LESS THAN 2 ACRES:</u> Livestock, excluding fowl, is prohibited. Fowl are allowed to be owned, harbored, or kept subject to the following standards:

a. Restricted to parcels developed with a single family home

b. Suitable enclosures shall be provided for shelter and containment (no free range fowl).

c. Accessory structures to house fowl shall meet the standards of Section 16.33(1)(b).

d. Fowl includes the following:

(1) Chickens (not roosters)
(2) Ducks
(3) Swans
(4) Geese
(5) Turkeys (domesticated)
(6) Pigeons
(7) Quail
(8) Pheasant

e. Maximum number of fowl allowed under this section is twelve (12).

f. Use of an adjoining parcel;

(1) Fowl may be kept on one adjoining parcel with no residence that is under the same ownership of (a) as an alternative location. Fowl may only be kept on one parcel, meeting the standards of (e).

2. <u>LOTS OF 2 ACRES, BUT LESS THAN 5 ACRES</u>

a. Standards of sub. (f)1(a) thru (d) and (f) apply.

b. The maximum number of fowl allowed under this section is twenty five (25).

3. LOTS OF 5 ACRES, BUT LESS THAN 10 ACRES: Livestock, except hogs, are allowed to be owned, harbored, or kept, provided that suitable enclosures are provided for shelter and containment, subject to the following standards:

a. Fowl, in accordance with 16.33(1)(f)1 (a) through (d).

b. Maximum of two (2) animals, and their offspring up to 10 months of age.

4. LOTS OF 10 ACRES OR MORE: Livestock, except hogs, are allowed to be owned, harbored, or kept, provided that suitable enclosures are provided for shelter and containment, subject to the following standards:

a. Fowl, in accordance with 16.33(1)(f)1 (b) through (d).

b. Maximum of two (2) animals, and their offspring up to 10 months of age, except:

(1) Animals in excess of two (2) may be kept, subject to the following standards:

(a) A plan shall be submitted to and approved by the Zoning Administrator for satisfactory disposal of wastes generated by such animals.

c. Buildings in which any such animals or fowl are kept, shall be distant no less than 100 ft. from the nearest lot line of an adjoining residential lot.

(g) PUBLIC UTILITIES, such as: Telephone, and power distribution poles, lines and necessary appurtenant equipment and structures, such as transformers, and equipment housing; telephone exchanges, provided there be no service or storage yard, and provided that local distribution facilities shall be underground.

(2) SPECIAL EXCEPTION USES.

(a) PLANNED RESIDENTIAL DEVELOPMENTS, in accordance with sec. 16.41.

(b) Rest homes, nursing homes, homes for the aged, clinics, children's nurseries, and day-care centers.

(c) Churches, public and parochial, elementary and secondary schools.

(d) Municipal buildings, not including sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

(e) Parks, playgrounds, tennis courts, bathing beaches and golf courses.

(f) RECREATIONAL VEHICLES, as per Section 16.32(1)(c).

(g) Any addition to, or expansion of, an existing special exception use (as listed in this section) that was lawfully established in this district.

(3) DIMENSIONAL STANDARDS.

(a) LOT SIZE & WIDTH: Minimum lot size and width standards shall be governed by sec. 16.10.

(b) DWELLING SIZE:

1. Total floor area of a dwelling, and each dwelling unit, shall be a minimum of 400 square feet. Porches, decks, attached garages, and other appurtenances, shall not be part of the required floor area.

2. The dwelling structure, which may include enclosed porches and attached garages, shall be a minimum dimension of a 20 foot x 20 foot square.

(c) YARD SETBACKS: Minimum rear and side yard setbacks shall be governed by sec. 16.14(4)

(d) HIGHWAY SETBACKS: Minimum highway setback lines shall be governed by sec. 16.14(3).

(e) SHORELAND SETBACKS: Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 16.13

(f) HEIGHT OF STRUCTURES

1. RESIDENTIAL: No building shall exceed 35 feet in height.

2. ACCESSORY STRUCTURES: Refer to height standards for detached accessory buildings, sec. 16.16.

16.34 R-2 RESIDENTIAL HIGH DENSITY DISTRICT

The Residential High Density District is created to establish and protect the essential characteristics of areas within, which mixtures of housing densities should occur along with certain supporting community and recreational uses to serve residents of the district.

(1) PERMITTED USES.

(a) RESIDENTIAL. All uses allowed as permitted in the R-1 district.

(2) SPECIAL EXCEPTION USES.

(a) Those special exception uses listed for the R-1 district.

(b) Applications for a special exception permit to allow multiple family dwelling units or a mobile home park in this district shall be approved only upon a determination that the proposed use will be compatible with other residential uses in the district, that property values will be maintained, and that the projected population densities will not unreasonably overburden the land or required public services.

(c) Multiple family dwellings.

1. MINIMUM LOT STANDARDS.

a. Lots for a 3-8 dwelling unit require 1 acre of lot area.

b. Lots for a 9+ dwelling unit require 1 acre plus an additional 4,000 square feet for each unit in excess of 8.

c. Minimum side yard setback of 25 feet.

(d) MOBILE HOME PARKS.

1. LOCATION. No park shall be located in hazardous fire area or in a site which is unsuitable because of physical limitation by reason of flooding, inadequate drainage, soil and rock formation with severe limitations for development, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the residents of the park or adjoining property.

2. Minimum Park Size. 10 acres.

3. DENSITY. The maximum allowable density in a mobile home park development shall be 8 units or lots per gross acre.

4. MINIMUM LOT SIZE. Individual lots within the mobile home park shall contain an area of not less than 5,000 sq. ft. and shall have a minimum width, at the narrowest point, of 50 ft.

5. MOBILE HOME STAND. A mobile home stand 17 ft. by 70 ft. intended for the actual placement of the mobile home shall be provided on the lot. The stand shall provide adequate support and drainage for the placement of the mobile home. The mobile home stand shall be provided with anchors and tie downs as required by State law. The site of each stand shall not be exposed to objectionable smoke, noise, odors, flooding, erosion or other adverse influence.

6. REQUIRED SEPARATION BETWEEN MOBILE HOMES. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 ft. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak or porch attached to the mobile home, shall for purposes of separation requirements, be considered a part of the mobile home. The basic unit shall not occupy in excess of ¼ of the area of the lot, and the complete unit including all accessory structures shall not occupy more than ½ of the area of the lot.

7. SETBACK AND BUFFER STRIPS. Each mobile home shall be located at least 10 ft. from any mobile home lot line. There shall be a minimum setback of the mobile home of 25 ft. from the front or main street side of the lot and of at least 10 ft. from the rear of the lot. All mobile homes shall be located at least 25 ft. from any park property boundary line.
8. SCREENING. Unless adequately screened by existing vegetative cover, the park shall be screened by a temporary planting of fast growing material capable of reaching a height of 15' or more; the individual trees to be such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence. Such permanent planting shall be maintained to a height of not less than 15'.
9. DRAINAGE AND LANDSCAPING. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner away from the mobile home stand; all mobile home sites shall be sodded or seeded, and the park shall be attractively landscaped in accordance with a plan submitted at the time of initial permit application.
10. RECREATION AREAS. In all mobile home parks, there shall be one or more recreation areas of a minimum of ½ acre in size which shall be easily accessible to all park residents.
11. ALLOWABLE USES. Accessory structures approved by the park operator shall be allowable uses, provided they meet the minimum setback requirements prescribed for the basic mobile home. Service buildings such as park offices, laundromats, convenience stores, community halls for social use of park residents and picnic shelters, shall be allowable uses. All such structures shall adhere to locally applicable Building and Sanitary Codes and shall require zoning permits independent of the park construction permit. Signs used for identifying the park, either on or off the property, shall adhere to applicable zoning provisions. Convenience establishments of a commercial nature are allowable uses in mobile home parks, providing that such establishments shall not occupy more than 10 % of the park area, shall be subordinate to the residential character of the park, shall be located, designed, and intended only to serve the specific needs of the park residents, and shall present no visual evidence of commercial character from any portion of any residential district outside the park.
12. PROHIBITED USES. Commercial sales or service of mobile homes shall not be permitted. This does not exclude routine maintenance of mobile homes already on sites within the park, nor the private sales of individual homes by the owners of onsite homes. Dependent mobile homes or camping trailers shall specifically be prohibited from placement or occupancy within mobile home parks.
13. SEWERAGE REQUIREMENTS. Public sewerage service for mobile home parks is preferred and shall be established wherever practicable; private sewerage is permitted, as an alternative, provided that all treatment disposal occurs on the park premises and provided that the system and facilities are designed, constructed and operated in accord with DSPS 383, WAC, and with any additional requirements imposed by the Board of Adjustment. Plans and installation details involving design, construction, alterations or extension of private sewerage systems, shall be approved by the State Division of Health and the Board of Adjustment prior to construction.
14. PLUMBING REQUIREMENTS. All plumbing within the park and mobile homes therein, shall meet all applicable standards of the Wisconsin Administrative Code and any additional requirements of the Board of Adjustment.
15. SOLID WASTES. All solid wastes shall be stored, collected and disposed in compliance with Ch. HSS 177, WAC.
16. GENERAL REQUIREMENTS FOR ACCESS, STREET AND PARKING. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.

17. PARK ENTRANCE. Entrances to mobile home parks shall be designed to minimize congestion and hazards, and allow free movement of traffic on adjacent streets.

18. INTERNAL STREETS. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:

- **a.** Right-of-way width shall be at least 66', unless the Town Board has specifically approved a lesser width, but shall in no case, be less than 50'.
- **b.** Pavement width shall be a minimum of 20'; and 4' shoulder shall be provided on each side.

19. PAVEMENTS. All streets shall be provided with a smooth hard surface which shall be durable and well drained under normal use and weather conditions. If a gravel surface is permitted, it shall be kept dust-proofed in a satisfactory manner.

20. GRADES. Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than 8%. Drainage shall be away from mobile home stands.

21. INTERSECTIONS. Within 100' of an intersection, streets shall be at approximately right angles. A distance of at least 150' shall be maintained between centerlines of offset intersecting streets. Intersections of more than 2 streets at one point shall be avoided.

22. PARKING LOCATIONS. A minimum of 2 ¼ parking spaces shall be provided for each mobile home lot. One of these spaces shall be located within 50' of the mobile home it services.

23. SURFACING REQUIREMENTS. The surface of the parking spaces shall meet the same minimum requirements as for streets.

24. SIZE. A parking space shall be 12' wide and 288 sq. ft. in area.

25. OPEN STORAGE AREA. Parking of boats, trailers and out size vehicles shall be restricted to a storage area. The operator shall provide a well-drained, dust free storage area for the use of the mobile home occupants. It shall be fenced to prevent direct access from outside the park. The minimum size shall be 10,000 sq. ft. for each 50 or less mobile homes.

26. WALKWAYS. Pedestrian walkways shall be provided by the park management in the area of the service buildings and other locations of heavy foot traffic. The walkways shall be of a dust free, well drained material and kept free of snow and ice during the winter season. In addition, each mobile home stand shall be provided with a dust free, well drained walkway from the stand to a surfaced parking space or roadway.

27. RESPONSIBILITY OF THE PARK MANAGEMENT.

- **a.** The person whom a permit for a park is issued, shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- **b.** The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter. The appropriate provisions of this section and park rules adopted by the management shall be posted in an appropriate place within the premises.
- **c.** The park management shall supervise the placement of each mobile home on its mobile home stand, or trailer on its site, which includes securing its stability and installing all utilities.

28. RESPONSIBILITIES OF THE PARK OCCUPANTS.

- **a.** The park occupant shall comply with all applicable requirements of this chapter and shall maintain his mobile home-trailer lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- **b.** The park occupant shall be responsible for proper placement of his mobile home-trailer on its mobile home or trailer site and proper installation of all utility connections in accordance with the instructions of the park management.

c. Pets, if permitted in the park, shall be prevented from running at large or committing any nuisance within the limits of the park.

d. All mobile homes shall be skirted from the mobile home to the ground with the same material as, or equivalent to, that from which the mobile home is made and such skirting shall be maintained.

e. Porches, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be used for storage only if permitted by the park management. If such storage is permitted, the following conditions shall be satisfied: the storage area shall be provided with a base of impervious material; stored items shall be located as not to interfere with the underneath inspection of the mobile home; the storage area shall be enclosed by skirting.

f. The park occupant shall store and dispose of rubbish and garbage in a clean, sanitary and safe manner.

29. Applications for Special Exception permits for Mobile Home Parks shall contain the following information as applicable:

a. Name and address of the applicant. If the owner of the land is other than the applicant, a duly verified statement by the owner that the applicant is authorized by him to construct the proposed park and make the application.

b. Location and legal description of the proposed mobile home park.

c. Complete preliminary engineering specifications and plans of the proposed park showing, but not limited to, the following: the area and dimensions of the tract of land; the number, location and size of all mobile home lots and the location of common areas; the location and width of roadways and walkways; the location of the mobile home stands within the mobile home lot, including a detailed sketch of at least one typical mobile home space and stand therein; plans and specifications of all utilities including sewage collection and disposal, storm water drainage, water distribution and supply, solid waste storage and collection, lighting, electrical, telephone and TV antenna systems; landscaping plans for the entire park, including a planting plan for the buffer strip; plans and specifications of all buildings to be located within the park; written statements describing proposed park operations, management and maintenance, including proposed fees and charges and rules to be established by the operator for conduct of persons within the park; such other plans and specifications and information as may reasonably be required by the Board of Adjustment.

d. Final plans and specifications complying with the provisions of this chapter and reflection any modifications approved or conditions imposed by the Board shall be submitted to the Zoning Administrator who shall check for compliance.

(3) <u>DIMENSIONAL RULES AND OTHER STANDARDS.</u>

(a) LOT SIZE & WIDTH: Minimum lot size and width standards shall be governed by sec. 16.10.

(b) DWELLING SIZE:

1. Total floor area of a dwelling, and each dwelling unit, shall be a minimum of 400 square feet. Porches, decks, attached garages, and other appurtenances, shall not be part of the required floor area.

2. The dwelling structure, which may include enclosed porches and attached garages, shall be a minimum dimension of a 20 foot x 20 foot square.

3. A manufactured home, single wide, may be less than 20 feet in width, however, shall maintain the minimum 400 square foot floor area requirement.

(c) YARD SIZE & SETBACKS: Minimum rear and side yard size and setbacks shall be governed by sec. 17.13(4)

(d) HIGHWAY SETBACKS: Minimum highway setback lines shall be governed by sec. 16.14(3).

(e) SHORELAND SETBACKS: Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 16.13

(f) HEIGHT OF STRUCTURES

1. RESIDENTIAL: No building shall exceed 35 feet in height.

2. ACCESSORY STRUCTURES: Refer to height standards for detached accessory buildings, sec. 16.33(1)(b).

(g) Mobile home parks shall be governed by the standards of sec. 16.34(2)(d).

16.35 R-3 MANUFACTURED HOME COMMUNITY AND SUBDIVISION DISTRICT

The Manufactured Home Community and Subdivision District is created to establish and protect areas wherein low density housing, involving a mixture of manufactured homes and traditional dwelling units, may be established for the purpose of expanding housing opportunities in the County.

(1) PERMITTED USES.

(a) All uses listed as permitted uses in the R-1 District.

(b) Manufactured homes, including single wides.

(2) SPECIAL EXCEPTION USES.

(a) All uses listed as special exception uses in the R-1 District.

(b) Manufactured Home Developments.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) LOT SIZE & WIDTH: Minimum lot size and width standards shall be governed by sec. 16.10.

(b) DWELLING SIZE:

1. Total floor area of a dwelling, and each dwelling unit, shall be a minimum of 400 square feet. Porches, decks, attached garages, and other appurtenances, shall not be part of the required floor area.

2. The dwelling structure, which may include enclosed porches and attached garages, shall be a minimum dimension of a 20 foot x 20 foot square.

3. Manufactured home, single wide, may be less than 20 feet in width, however, shall maintain the minimum 400 square foot floor area requirement.

(c) YARD SIZE & SETBACKS: Minimum rear and side yard size and setbacks shall be governed by sec. 16.14(4)

(d) HIGHWAY SETBACKS: Minimum highway setback lines shall be governed by sec. 16.14(3).

(e) SHORELAND SETBACKS: Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 16.13

(f) HEIGHT OF STRUCTURES:

1. RESIDENTIAL: No building shall exceed 35 feet in height.

2. ACCESSORY STRUCTURES: Refer to height standards for detached accessory buildings, sec. 16.33(1)(b).

(g) Manufactured Home Community shall be governed by the standards of sec. 16.34(2)(d).

(h) Issuance of a permit for placement of a manufactured home on a site other than within a manufactured home community in the R-3 District, shall require submittal and approval by the Zoning Administrator of a written plan, detailing how the home will be secured against wind, damage, or other hazards unique to manufactured homes and how the home will be skirted to present an attractive appearance prior to issuance of a permit.

16.36 UV UNINCORPORATED VILLAGE DISTRICT

The Unincorporated Village District is created to accommodate the land use patterns of those established unincorporated villages or settlements where the mixture of land uses makes it impracticable to apply traditional land use separations.

(1) PERMITTED USES.

(a) All uses permitted in the R-1 District. See sec. 16.33(1).

(b) Addition of not more than 50% to the usable floor area of existing commercial structures.

(2) SPECIAL EXCEPTION USES.

(a) Additions to existing commercial structures in excess of that allowed as a permitted use.

(b) All other uses are listed as permitted or special exception uses in the Ag, C-1, R-1, R-2, R-3, RR, B or I districts.

(c) In reviewing special exception applications, the Board of Adjustment shall review sewage and water supply problems in the community and may deny developments which would severely aggravate sanitary problems.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) The Board of Adjustment shall set dimensional rules for all other special exception uses, based upon standards contained in the cross-referenced parts of this chapter, modified as necessary to fit local circumstances.

(b) LOT SIZE & WIDTH: Minimum lot size and width standards shall be governed by sec. 16.10.

(c) DWELLING SIZE:

1. Total floor area of a dwelling, and each dwelling unit, shall be a minimum of 400 square feet. Porches, decks, attached garages, and other appurtenances, shall not be part of the required floor area.

2. The dwelling structure, which may include enclosed porches and attached garages, shall be a minimum dimension of a 20 foot x 20 foot square.

(d) YARD SETBACKS: Minimum rear and side yard setbacks shall be governed by sec. 16.14(4)

(e) HIGHWAY SETBACKS: Minimum highway setback lines shall be governed by sec. 16.14(3).

(f) SHORELAND SETBACKS: Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 16.13(5)(d)

(g) HEIGHT OF STRUCTURES

1. RESIDENTIAL: No building shall exceed 35 feet in height.

2. ACCESSORY STRUCTURES: Refer to height standards for detached accessory buildings, sec. 16.34(1)(b).

16.37 AG AGRICULTURAL DISTRICT

The Agricultural District is created to maintain and protect agricultural lands historically used for farming or forestry. Due to the importance of agriculture within the local and regional economy, it is necessary to encourage farmland preservation, protect natural resources, and minimize conflicts between farm and nonfarm land uses. Agriculture related business and infrastructure that supports agriculture are included as special exception uses in this district in order to facilitate an efficient network for agricultural owners and operators.

(1) PERMITTED USES.

(a) Agricultural Uses

1. Crop or forage production.
2. Keeping livestock.
    a. A new or expanded livestock facility that will have 500 or more animal units must comply with livestock facility siting standards per ATCP 51.
    b. An ATCP 51 Livestock Facility Siting Application shall be completed by the owner/operator and must be approved prior to operation (see ATCP 51.30).
    c. Livestock, for the purposes of ATCP 51 livestock facility siting, does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
3. Animal manure storage facilities must comply with Barron County Ordinances - Chapter 18 and ATCP 51.
    a. A new or expanded animal manure storage facility permit application shall be completed by the owner/operator and must be approved prior to operation.
    b. Siting standards of ATCP 51, Wis Adm Code.
4. Beekeeping
5. Nursery, sod, or Christmas tree production (wholesale)
6. Floriculture
7. Aquaculture
8. Forest management
9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural and conservation payment program.
10. Roadside stand

(b) HOUSING. Single family dwellings, including manufactured homes but not mobile homes.

1. DENSITY. Base standard of not more than 2 single family dwellings per 40 acres, except where Conservation Site Design standards are utilized.

a. Minimum lot size of 17 acres, however:

(1) Vacant AG parcels of less than 17 acres in existence as of March 18, 2002 (or date of ordinance adoption by Town if after this date) are allowed one dwelling provided it can be located to meet dimensional rules & standards in 17.37(3).

(2) Lot size for a dwelling in existence as of May 21, 2002 (pre-existing dwelling) shall meet the minimum lot standards in 17.52. For purposes of this section, a pre-existing dwelling shall mean any structure meant to house a single family, including mobile homes that are located on a foundation, basement or slab.

b. Conservation Site Design. A conservation site design will allow four (4) dwellings per 40 acres or 1/4-1/4 section, density.

(1) The lots created shall not be less than 1 acre nor larger than 2 acres in area.

(2) These lots shall be adjacent to each other and proximate to existing public roads when practicable, or be located along the edges of large forested areas.
(3) This design shall maintain the agricultural lands and other valued natural features as an integral part of the landscape.
(4) A covenant shall be attached to the deed for such forty acres prohibiting any further sub-division of that forty acres, unless rezoned to a district that would allow development of a greater density.

Home occupations or professional offices consisting of activities such as the following, not limited because of enumeration:

2. Beauty Shop.
3. Music lessons.
4. Hobby crafts.
5. OFFICES. Such as veterinarians, doctors, insurance, provided that the occupational activity takes place entirely within the dwelling structure that has residential occupancy as its principal use, and that the occupational activity takes place within not more than 25% of the floor space of the dwelling structure.

Township halls and township shops on parcels not less than 5 acres in size.

(2) SPECIAL EXCEPTION USES.

(a) Nursery, sod, or Christmas tree production (retail).
(b) Agriculture-related use.
1. Agricultural equipment dealership.
2. Facility providing agricultural supplies.
3. Facility for storing or processing agricultural products.
4. Facility for processing agricultural wastes.
5. Veterinary services and animal hospitals primarily serving livestock.
6. Fur farming.
(c) Farm family business
(d) Temporary farm-related housing

(e) Governmental, institutional, religious, or nonprofit community uses that qualify under Chapter 91.46(5).
(f) Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under Chapter 91.46(4).
(g) Mineral extraction, Type I, governmental only, where mining meets the provisions of Chapter 91.46(6) and sec. 17.31(3) Barron County Land Use Ordinance.
(h) Private airports
(i) Private kennels
(j) Sawmills, long-term.
(k) Shooting ranges.
(l) Automobile repair.
(m) Welding repair.
(n) Machine repair.
(o) Woodworking shop.
(p) Other retail or wholesale businesses involving sales of and/or services similar to the activities listed above, and where they are not otherwise provided for in this chapter.
(q) STORAGE FACILITIES, ENCLOSED.

1. MINIMUM SIZE. Minimum parcel size for the operation of an Enclosed Storage Facility shall be no less than three (3) contiguous acres.
2. SITE PLAN DRAWING. Site plan drawing of proposed enclosed storage facilities must be submitted to the Barron County Zoning Office with the Special Exception Application. Site plan shall be drawn to scale and include abutting roadways, driveway(s), location and uses of existing structures, proposed sign(s), internal roadways, fencing, and the areas to be designated for outdoor storage. Floor plans or building plans must be presented for each proposed enclosed storage building.
3. LAYOUT – NEW BUILDINGS.
    a. Structure(s) must be located a minimum of fifteen (15) feet from the property lines. Buildings with access door(s) facing a property line shall be located a minimum of thirty (30) feet from the property line.
    b. All structure(s) shall meet required roadway and road right-of-way setbacks as established in Section 16.13, and meet the shoreland setback requirements when applicable
    c. Development of parcels shall comply with Wisconsin Department of Natural Resources Stormwater regulations and permitting per Section NR 151 and NR 216 of WIS. Admin. Code.
4. ACCESS AND INTERNAL DRIVEWAYS.
    a. Ingress/Egress for the parcel shall be limited to one access and must be designed in a manner which will have the least impact on existing traffic.
    b. Approval from the appropriate municipality (Town, County or State) of the driveway access location for Business use must be submitted with the Special Exception Application.
    c. Driveways and internal roadways shall have a minimum width of thirty (30) feet.
5. LIGHTING. Where property lines abut Residentially Zoned parcels, lighting shall be affixed to the building(s) and shrouded to illuminate an area not to exceed ten (10) feet from the building(s).
6. STORAGE. All storage must occur within the approved and permitted building(s). No outdoor storage of materials is allowed on the parcel.
7. RETAIL SALES. No onsite retail is permitted.
8. SIGNS. Any signs must comply with Section 16.19.
9. FENCING. Any fencing shall meet the requirements of Section 17.13(2)(c) of the Barron County Land Use Ordinance.

(r) STORAGE FACILITIES, OUTDOOR.

1. MINIMUM SIZE. Minimum parcel size for the operation of an outdoor storage facility shall be no less than three (3) contiguous acres.
2. SITE PLAN DRAWING. Site plan drawing of proposed outdoor storage facilities must be submitted to the Barron County Zoning Office with the Special Exception Application. Site plan shall be drawn to scale and include, abutting roadways, driveway(s), location and uses of existing structures, proposed sign(s), internal roadways, fencing, and the areas to be designated for outdoor storage.
3. ACCESS AND INTERNAL DRIVEWAYS.
    a. Ingress/Egress for the parcel shall be limited to **one** access and must be designed in a manner which will have the least impact on existing traffic.

b. Approval from the appropriate municipality (Town, County or State) of the driveway access location for Business use must be submitted with the Special Exception Application.
c. Driveways and internal roadways shall have a minimum width of thirty (30) feet.

4. LAYOUT. Designated Outdoor Storage areas shall be fifteen (15) feet or greater from all property lines, meet required roadway and road right-of-way setbacks as established in Section 16.13, and meet the shoreland setback requirements when applicable.
5. RETAIL/SALES. No onsite retail is permitted.
6. SIGNS. Any signs must comply with Barron County Land Use Ordinance Sign Regulations in Section 17.19.
7. FENCING. All designated Outdoor Storage areas shall be enclosed by a fence, at a minimum height of six (6) feet.
8. Storage of motor vehicles shall comply with Section 17.08 of the Barron County Land Use Ordinance: JUNKYARD, in that there shall be no more than two (2) unlicensed, inoperable vehicles located on the property

(s) DIMENSIONAL RULES AND OTHER STANDARDS.

Standards and procedures found in par. (1)(b).
The standards of Sec. 16.28(3)(b), (c), (d), (e), and (f) shall apply.
Lot sizes for special exception uses listed under Section 16.37(2) shall be established by the Board of Adjustment upon granting of a special exception. These lots shall not be used for residential development if under 17 acres in size, unless the lot was created prior to March 18, 2002.

DWELLING SIZE:

1. Total floor area of a dwelling, and each dwelling unit, shall be a minimum of 400 square feet. Porches, decks, attached garages, and other appurtenances, shall not be part of the required floor area.
2. The dwelling structure, which may include enclosed porches and attached garages, shall be a minimum dimension of a 20 foot x 20 foot square.

16.38 C-1 WETLAND CONSERVANCY DISTRICT

The Wetland Conservancy District is created to protect wetlands. Wetlands are seldom suitable for building for the following reasons: septic tank systems will not function because of high groundwater; water supplies can be polluted by wastes that have not been adequately absorbed by the soil; foundations and roads often crack due to poor support and frost action; flooding is common. Filling rarely solves all these problems. In their natural state, wetlands control and store floodwaters, thus minimizing flood risks; they trap sediments from upland runoff thus preventing surface water siltation; they hold and oxidize organic and biological wastes thus reducing the biological oxygen demand placed upon surface waters; they intercept nutrients thus stabilizing the fertilization of surface waters; they provide habitat and breeding space for a variety of aquatic and terrestrial animals, thus providing opportunities for hunting, fishing, trapping and other recreational pursuits; they provide opportunities for scientific research and understanding of biological communities; they are a reservoir of life that may be needed in the future for production of food, pharmaceuticals and other essentials of life; and they provide open space of unique texture and diversity. For these reasons, building development and other alterations which would affect the natural functions of wetlands are limited to this district. This district will apply to: all lands designated as swamps and marshes on the United States Geological survey quadrangle maps for the county within the shoreland jurisdictions as defined in sec. 16.05; and all lands held by the State for wildlife, waterfowl, fish and aquatic life habitat purposes which are swamps or marshes; and all lands

designated as “peat and muck” on the County detailed soils survey maps and within the shoreland jurisdiction; and other lands designated as such on the county zoning map because they are swamps or marshes or are immediately adjacent to such swamps or marshes.

(1) **PERMITTED USES.**

- **(a)** Farming, not including erection of buildings or structures or the conduct of activities prescribed under sub. (2)(d).
- **(b)** The harvesting of wild crops, such as marsh hay, ferns, moss, berries and tree fruits and seeds.
- **(c)** Hunting, trapping, fishing, swimming and boating, provided that no camping or overnight occupancy of buildings, vehicles or boats may occur.
- **(d)** The practice of wildlife, fish and forest management.
- **(e)** Preservation of scenic, historic and scientific areas.
- **(f)** Hiking trails and bridle paths.
- **(g)** Nonstructural uses accessory to any of the above permitted uses.
- **(h)** Activities listed under sub. (2)(d) if they involve less than 500 sq. ft. in area.

(2) **SPECIAL EXCEPTION USES OR ACTIVITIES.**

- **(a)** Public and private parks, picnic areas, and similar uses.
- **(b)** Nonresidential structures or buildings not specifically listed under sub. (1) and which are necessary to a permitted use.
- **(c)** Piers and docks.
- **(d)** A County grading permit shall be required to be issued pursuant to the procedures and standards of sections 16.23 before undertaking any of the following wetland disturbing activities which will affect an area within the district having an area of 500 sq. ft. or greater:
  - **1.** Draining.
  - **2.** Dredging.
  - **3.** Driving piles other than fence posts.
  - **4.** Dumping, filling or depositing of any soil, muck, sand, gravel, aggregate, stones, rubbish or other similar substance.
  - **5.** Laying drainage fields.
  - **6.** Flooding by means of man-made structures or excavations.
  - **7.** Removal of top soil or peat.
  - **8.** Relocation of any watercourse, stream bank improvements.
- **(e)** An application for any special exception use or activity shall be approved only upon a finding that the proposed activity will not result in significant impairment of the natural functions performed by the wetland.

(3) **DIMENSIONAL RULES AND OTHER STANDARDS.**

- **(a)** Conditions. See sec. 16.46(6)(d).
- **(b)** Issuance of Grading Permits. See sec. 17.41(8).
- **(c) LOT SIZE & WIDTH:** Minimum lot size and width standards shall be governed by sec. 16.10.
- **(d) YARD SETBACKS:** Minimum rear and side yard setbacks shall be governed by sec. 16.14(4)
- **(e) HIGHWAY SETBACKS:** Minimum highway setback lines shall be governed by sec. 16.14(3).
- **(f) SHORELAND SETBACKS:** Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 16.13.

16.39 B BUSINESS DISTRICT

It is the policy of the County to promote economic development and a strong local economy. It is recognized, however, that most commercial uses should be located in the urban communities where a full range of needed services can be afforded to such uses. Therefore, need for a rural location will be a requirement for approving a business district classification in those areas subject to county zoning.

(1) PERMITTED USES.

- **(a)** Automotive and Equipment Repair
- **(b)** Civic or Social Facilities Clubs
- **(c)** Hotels and Motels
- **(d)** Municipal Buildings
- **(e)** Restaurants and Taverns
- **(f)** Retail sales
- **(g)** Self-Service Storage Facilities (See 16.39(4)(f) for requirements.)
- **(h)** Professional and Medical Offices
- **(i)** Public and Private Marinas
- **(j)** Public Utility Structures
- **(k)** Vehicle Sales, Manufactured Home Sales, and Equipment Sales Lots
- **(l)** Professional Trades and similar services

(2) LOT DENSITY. Only one structure shall be located, erected, or moved onto a lot in this district for any business use listed in (1).

(3) SPECIAL EXCEPTION USES.

- **(a)** Accessory uses conducted beyond the perimeter of the Business Building.
- **(b)** Airports and airstrips, public or private.
- **(c)** Commercial Entertainment Facilities.
- **(d)** Indoor and Outdoor Recreation Facilities.
- **(e)** Manufacturing operations not specifically allowed in other districts that meet the intent of the Business District, must demonstrate a need for the business to be located in a rural setting.
- **(f)** Structures exceeding one per business operation.
- **(g)** Residences: must demonstrate that dwelling occupation on Business parcel is directly required for the operation of the business.
- **(h)** Other retail or wholesale businesses involving sales of and/or services similar to the activities listed above.

(4) DIMENSIONAL RULES AND OTHER STANDARDS.

- **(a) LOT SIZE & WIDTH:** Minimum lot size and width standards shall be governed by sec. 16.10.
- **(b) DWELLING SIZE:**
  1. Total floor area of a dwelling, and each dwelling unit, shall be a minimum of 400 square feet. Porches, decks, attached garages, and other appurtenances, shall not be part of the required floor area.
  2. The dwelling structure, which may include enclosed porches and attached garages, shall be a minimum dimension of a 20 foot x 20 foot square.
- **(c) YARD SETBACKS:** Minimum rear and side yard setbacks shall be governed by sec. 16.14(4).
- **(d) HIGHWAY SETBACKS:** Minimum highway setback lines shall be governed by sec. 16.14(3).
- **(e) SHORELAND SETBACKS:** Minimum setback from the ordinary high water mark of a navigable water shall be governed by sec. 16.13(5)(d)

(f) **HEIGHT:** Maximum building height of 35 feet tall.

(g) No automobile parking lot, stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open, shall be stored or placed in such side yards.

(h) **SELF-SERVICE STORAGE FACILITY STANDARDS.**

1. LOT DEVELOPMENT: Parcel shall not be encumbered by a Dwelling.

2. SITE PLAN DRAWING: Site Plan Drawing of proposed Self-Service Facilities must be submitted to the Barron County Zoning Office with the Land Use Permit Application. Site Plan shall be drawn to scale, and include abutting roadways, driveway locations, all proposed buildings, proposed sign(s), internal roadways and fencing. Floor plans or building plans must be presented for each proposed Self-Service building that is being requested.

3. LAYOUT:

a. Structure(s) must be located a minimum of fifteen (15) feet from the property lines. Buildings with access door(s) facing a property line shall be located a minimum of thirty (30) feet from the property line.

b. All structure(s) shall meet required roadway and road right-of-way setbacks as established in Section 16.14, and meet the shoreland setback requirements when applicable.

c. Development of parcels shall comply with Wisconsin Department of Natural Resources Stormwater regulations and permitting per Section NR 151 and NR 216 of WIS. Admin. Code.

4. ACCESS AND INTERNAL DRIVEWAYS:

a. Ingress/Egress for the parcel shall be limited to one access and must be designed in a manner which will have the least impact on existing traffic.

b. Approval from the appropriate municipality (Town, County or State) of the driveway access location for Business use must be submitted with the Special Exception Application.

c. Driveways and internal roadways shall have a minimum width of thirty (30) feet.

5. LIGHTING: Building lighting shall be limited to lighting that is affixed to the building(s) and shall be shrouded to illuminate an area not to exceed ten (10) feet from the building(s).

6. STORAGE: No Outdoor Storage of materials is allowed on parcel. All storage must occur within the approved and permitted Buildings' individual units.

7. RETAIL SALES: No onsite retail is permitted.

8. SIGNS: Any signs must comply with 16.19.

9. FENCING: Fencing is required along lot lines abutting a residential district, or when required as a condition of a Board of Adjustment appeal. Fencing shall be a minimum height of six (6) feet and meet the requirements of Section 16.14(2)(c).

16.40 I INDUSTRIAL DISTRICT

The Industrial District is created to provide for manufacturing, fabricating and other industrial uses in appropriate locations with appropriate standards.

(1) **PERMITTED USES.** In the Industrial District, buildings and land may be used for any purposes **except** the following:

(c) Religious, educational, charitable and medical institutions and dwellings, whether on a permanent or transient basis, except that there may be a dwelling for the owner of a premises or for a caretaker employed on the premises.

(d) Commercial uses other than those which are oriented to or derive a major portion of their business from nearby industrial uses.

(e) Uses contrary to the laws of the State or ordinances adopted by the County.

(f) Uses listed in sub. (2).

(2) SPECIAL EXCEPTION USES. Heavy industrial uses listed below shall be allowed in this district, only if the structure is located beyond 300' from any boundary of an R-1, R-2, R-3, AG or RR district and only upon issuance of a special exception permit.

(g) Acid, ammonia, bleach, chlorine or soap manufacture.
(h) Ammunition manufacture; explosive or fireworks manufacture or storage.
(i) Asphalt, coal and coal tar or coke manufacture; asphalt and asphalt cement mixing plants; mineral extraction, Type II.
(j) Automobile wrecking yards, junk yards.
(k) Bones, distillation of.
(l) Cannery.
(m) Cement, lime, gypsum or plaster of paris manufacture; cement or concrete mixing plants.
(n) Fat rendering.
(o) Fertilizer manufacture.
(p) Forge plant.
(q) Garbage, rubbish, offal or animal reduction or dumping.
(r) Gelatine, glue or size manufacture.
(s) Flammable gases or liquids, refining or manufacture of; over-ground tank farms.
(t) Slaughterhouse, stockyard.
(u) Smelting
(v) Any other industrial uses which are likely to produce noise, odor, glare, heat, radioactivity, electrical disturbances, vibration, fire and explosion hazards, air or water pollution, effects which will extend beyond the boundaries of the property.

(3) DIMENSIONAL RULES AND OTHER STANDARDS.

(a) LOT AREA. For buildings or parts of buildings erected, moved, or structurally altered for residential use, the lot area regulations of sec. 16.10 shall apply; otherwise no minimum lot area shall be required.

(b) HEIGHT. For buildings or parts of buildings hereafter erected, moved or structurally altered for residential use, the height regulations of sec. 16.16 shall apply; buildings erected, moved or structurally altered for any other purpose shall not exceed 50' in height.

(c) SIDE YARDS. Side yards shall be 10' in width, except that any side yard that abuts a residential district shall be not less than 25' wide.

REAR YARDS. There shall be a rear yard of not less than 12' in depth, except that:

1. Such rear yard shall be increased in depth by 3' for each additional 5' by which the principal building of the lot exceeds 35' in height.
2. Such rear yard which abuts a residence district, shall not be less than 25' in depth, and no automobile parking lot, stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open, shall be stored or placed in such rear yard, except that, loading platforms may be established in a rear yard if it abuts on a railroad.

16.41 PLANNED RESIDENTIAL DEVELOPMENT OVERLAY

(1) **PURPOSE.** The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval.

(2) **REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS**. A Planned Unit Development may be approved upon finding, after a public hearing, that all of the following facts exist:

(a) **AREA**. A planned unit development may be allowed on a single lot that is at minimum 2 acres in size and has a minimum of 200 feet of frontage on navigable water.

(b) INDIVIDUAL LOTS.

1. Riparian lots need to meet the requirements of section 16.10.
2. Non-riparian lots may be less than the required minimums found in section 16.10. The Zoning Committee shall consider whether the proposed lot sizes and widths provide adequate building area after considerations of all setbacks and required impervious surface percentages are met as well as reviewing potential impacts to prevent pollution, erosion and impacts to natural scenic beauty.

(3) SHORELAND SETBACK. In exchange for the allowance of reduced non-riparian lots, the shoreland setback shall be greater than 75 feet from the ordinary high water mark. Recommended setbacks of 100 – 150 feet from the ordinary highwater mark shall help offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty. An increased shoreland setback 26 shall be a condition of approval.

(4) VEGETATIVE BUFFERS. The vegetative buffer on a lot within a proposed planned unit development shall be greater than 35 feet landward of the ordinary high water mark. Recommended buffers of 50 -70 feet shall help offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty. An increased vegetative buffer shall be a condition of approval.

(5) IMPERVIOUS SURFACE REQUIREMENTS. All impervious surface requirements shall be met. There is no relaxation for required impervious surface ratio maximums.

(6) APPLICATION AND PERMIT REQUIREMENTS.

(a) An application for a conditional use permit shall be required.

(b) Information on the total area of the lot, to-scale map showing location and size of all proposed lots, any preserved open space, number and type of dwelling units, other buildings and other requested information to describe the project.

(c) Proposed greater shoreland setback and greater vegetative buffer that offsets the development impacts for committee consideration.

(d) Location of shoreland-wetlands.

(e) A recorded plat or certified survey map is required prior to any construction activities.

(f) No construction activities shall commence without the issuance of a regular zoning permit for each structure.

NOTE 1: Counties should be aware that the planned unit development standards, as written, grant back lot access (key holing) without applying frontage requirement standards to determine overall density, as allowed under NR115.05(1)(a)4. Counties may optionally include requirements to limit overall density based upon minimum frontage standards.

NOTE 2: The provisions of NR 115.05(1)(a)4 apply to these types of developments where there may be a combination of a density bonus, smaller lot size and preservation of open space.

NOTE 3: These types of developments may also be known as conservation subdivisions or planned residential development.

16.42 SANITARY REGULATIONS. (NR 115.05(3))

(1) **PURPOSE.** Sanitary regulations for the protection of health and the preservation and enhancement of water quality shall be adopted.

(a) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.

(b) Where a public sewage collection and treatment system is not available, design and construction of private on-site wastewater treatment systems shall, prior to July 1, 1980, be required to comply with ch. SPS 383, Wis. Adm. Code, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Stats.

Note: Barron County Sanitary Ordinance, Section 17.60 of the Land Use Ordinance, provides countywide standards.

ADMINISTRATION AND ENFORCEMENT

16.43 GENERAL PROVISIONS.

This subchapter contains provisions on, and shall apply to, the administration and enforcement of the requirements of the zoning, subdivision and sanitary sections of this chapter.

16.44 BOARD OF SUPERVISORS.

The County Board of Supervisors is responsible for the enactment, amendment and repeal of the County Land Use Ordinances. The Board appropriates funds in support of the Office of the Zoning Administrator, the Zoning Committee and the Board of Adjustment.

16.45 ZONING COMMITTEE.

(1) CREATED. The County Zoning Committee is a committee of the County Board, created pursuant to § 59.69(2), Wis Stats, and serves as the County planning agency pursuant to § 236.02(1), Wis. Stats.

(2) DUTIES. The Zoning Committee is responsible for overseeing the office of the Zoning Administrator and for other functions assigned to it by this chapter, by other actions of the County Board and by § 59.69, Wis. Stats.

(3) OPERATING PROCEDURES.

(a) QUASI-JUDICIAL DETERMINATIONS AND PROCEEDINGS. Certain sections of this chapter assign to the Zoning Committee, the function of deciding appeals of interpretation decisions made, in the first instance by the Zoning Administrator. In performing those specific functions, the Committee shall

follow the procedures set forth in sec. 16.46(4) for the conduct of investigations, hearing, deliberations and decisions.

(b) OTHER PROCEEDINGS. In performing assigned functions other than those set forth in par. (a), the Committee shall follow procedural standards found in applicable statutes, ordinances, or in its own operating rules.

(c) DELEGATION OF AUTHORITY. The Committee shall assign responsibility within its own membership or to the Zoning Administrator, for recording the actions of the Committee on certificates and reports which require such a recording.

16.46 ZONING ADJUSTMENT BOARD

(1) CREATED. The County Zoning Adjustment Board (known throughout this section as the "Board"), is a board created by action of the Board of Supervisors pursuant to §59.694, Wis. Stats.

(2) DUTIES. The Zoning Adjustment Board is responsible for hearing and deciding administrative appeals, variance applications, and applications for special exceptions as provided in this chapter.

(3) APPOINTMENT AND TERM. The Board shall consist of not more than five (5) members who shall be appointed for staggered 3 year terms, commencing on July 1st, by the County Board Chairperson. Vacancies shall be filled in like manner for the unexpired term of any member whose terms becomes vacant. Members shall all reside in the County and outside incorporated cities and villages, and no 2 members shall reside in the same town.

(4) OPERATING RULES.

(a) The Board shall choose its own chairperson, vice-chairperson, and secretary.

(b) The Board shall meet at the call of the Chairperson or at such other times as the Board may determine.

(c) The Board shall comply with all requirements of the Wisconsin Open Meeting Law in the conduct of the business before it. The nature of the Board's proceedings are quasi-judicial. The Board may therefore deliberate in closed session after a hearing on the matter, provided legal requirements are compiled with.

(d) The Board may conduct site inspections of premises and surrounding areas which are the subject of matters before the Board, provided that, when the Board as a unit or individual members are engaged in such site inspections, they shall not allow interested parties to present arguments or advocacy materials. Such arguments and materials shall be received only at hearings before the Board.

(e) The Board shall conduct a public hearing on all administrative appeals, special exception and variance matters before it, and shall cause a Class 2 notice under Ch. 985, Wis. Stats. to be published, and shall give due notice of the hearing to all parties in interest. Any party may appear in person or by attorney at such hearing. The Chairperson may administer oaths to parties testifying and may compel attendance of witnesses. Due notice to parties in interest shall mean that the office of the Zoning Administrator will mail by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant, to owners of record of properties which are located within 300' of the parcel involved in the application, to the clerk of the town where the property is located, to the clerk of any other town or any other village located within 1.5 miles of the property involved in the application, and to other parties who have made known to the office their specific interest in the matter and their request to receive such notices. Failure of the office to accomplish such provision of notice shall not invalidate or prejudice the proceedings, provided the Board concludes that reasonable

efforts were made or that the parties who subsequently complain of not having been sent or of not receiving notice, did in fact, know of the proceedings and had reasonable opportunity to attend or to be represented, or to convey their views prior to the Board's decision.

(f) All testimony before the Board by persons other than Board members, and written or documentary evidence or material pertaining to matters before the Board, shall be received at the hearings conducted by the Board, provided however, that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases, and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts which may have a bearing on the matter before the Board, shall enter same into the record of the hearing, and opportunity shall be allowed for comment on such entries.

(g) If following the close of a hearing, the Board finds it necessary or desirable to receive additional information, evidence, or arguments which may have a bearing upon the Board's decision, it shall reconvene a public hearing with notice given in the same manner as for the initial hearing, for the purpose of so doing.

(h) The Board shall deliberate on matters before it. The concurring vote of a majority of the Board shall be necessary to approve any appeal, variance or special exception before the Board. The vote of each member on each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such fact shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.

(i) All decisions by the Board shall be made in strict accord with the standards of the ordinance. The Board shall decide all matters before it, within a reasonable time.

(j) The Board shall cause complete records to be kept of its examinations on matters before it, of public hearings, site inspections, decisions and other official actions, which shall be immediately filed in the County zoning office and shall be a public record.

(k) The Board may adopt procedural rules not in conflict with this chapter or State law.

(5) ADMINISTRATIVE APPEALS.

(a) APPEALABLE MATTERS.

1. Decisions by the Zoning Administrator which consist of interpretations of the terms of this chapter, and which are made in the course of determining whether a permit or approval will be issued by the Administrator, are appealable to the Board of Adjustment as administrative appeals.

2. Decisions by the Zoning Administrator to issue an enforcement demand or to commence other ordinance enforcement activities, where the Administrator has determined that violation of the ordinances exists, is appealable to the Board of Adjustment as an administrative appeal.

3. Decisions by the Zoning Committee which consist of interpretations of the terms of this chapter and in determining whether a permit or approval will be issued by the Committee are appealable to the Board of Adjustment as administrative appeals.

4. Where the ordinance states that a decision or interpretation shall be made by the Zoning Administrator, with a right of appeal specified to the Zoning Committee, such appeal shall be taken to the Committee before an appeal shall be allowed to the Board of Adjustment.

(b) PROCEDURES FOR INITIATING AN ADMINISTRATIVE APPEAL.

1. ELIGIBLE APPELLANTS. Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed, or by any officer, department, board, or committee of the County government.

2. TIME FOR APPEALS. An appeal shall be commenced within 30 days after the making of the decision or interpretation being appealed.
3. INITIATING AN APPEAL. An appeal shall be commenced by filing with the office of the Zoning Administrator, a notice of appeal specifying the decision being appealed and grounds for the requested relief and payment of the fee specified by Sec. 17.74(5)(e). Upon receipt of such a notice, the Zoning Administrator shall immediately notify the Board of Adjustment and the Zoning Committee, and shall transmit to the Board all papers and files which constitute the record of the decision being appealed.
4. STAYS. An appeal of a decision to issue a permit, approval or enforcement demand, or to commence other ordinance enforcement proceedings, shall cause the permit or approval action to be suspended, or shall stay further enforcement prosecution unless the Zoning Administrator or District Attorney shall file with the Board of Adjustment a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court.
5. DECISIONS BY THE BOARD OF ADJUSTMENT. Following a public hearing and other investigation conducted pursuant to sub. (4), the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. All decisions by the Board on administrative appeals shall be based upon the terms of the ordinance and evidence as to legislative intent.

(6) SPECIAL EXCEPTION USES.

(a) NATURE OF. Certain uses are of such special nature or their effects are so dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this chapter for the determination of such cases as special exception uses. Special exceptions are land uses listed as such in each zoning district. They may be established in such district only upon approval by the Board of Adjustment.

(b) APPLICATION FOR APPROVAL. Any person holding an interest in lands within an area included in a County zoning district may apply for a special exception approval by filing an application and fee as specified in sec. 17.74(5)(e). Special exception approval applications can include single parcels of land or groupings of parcels, contiguous or non-contiguous. The application shall be transmitted by the Administrator to the Board. Re-applications may not be considered by the Board within two years after denial by the Board of a prior application, unless the reapplication is substantially different in content or justification than the original application or unless the reapplication is made pursuant to court order.

(c) BOARD REVIEW AND DECISION. Following a public hearing and other investigations conducted pursuant to sub. (4), the Board shall decide the matter based upon the following standards:

1. Whether the use is listed as a special exception use in the zoning district where the lands are located or is a use which is not assigned by this chapter to any zoning district, and which is similar in character to uses allowed in the district in which the site is located, and which is compatible with the purpose and intent of such zoning district.

2. Where the regulations of the zoning district in which the lands are located contain specific standards for the class of special exception use under consideration, those standards shall be applied by the Board.

3. In addition or where the zoning district contains no standards unique to that district or use, the Board shall apply the following general standards:

a. No grant of a special exception shall violate the spirit or intent of this chapter.

b. No special exception shall be allowed which would be contrary to the public health, safety, or general welfare, or which would be substantially adverse to property values in the neighborhood affected.

c. No use shall be permitted by special exception that would constitute a nuisance by reason of noise, dust, smoke, odor, or other similar factors.

(d) CONDITIONS. The Board of Adjustment may make the granting of an application for a special exception use contingent upon such express conditions, as it considers necessary to further the aims of this chapter. These conditions may include, but are not limited to, specifications of:

1. The period of time in which all or part of the use may be permitted.

2. Setback and yard dimensions.

3. Specified sewage disposal and water supply facilities.

4. Landscaping and planting screens.

5. Operational controls.

6. Sureties.

7. Deed restrictions.

8. Location of structures, docks, piers or signs.

9. Location and amount of parking facilities.

10. Type of construction.

11. Type of shore cover.

(e) TECHNICAL REVIEW. The Zoning Administrator, upon direction of the Barron County Zoning Board of Adjustment, shall employ an independent consultant specializing in the subject matter before the Board for additional technical review. The applicant shall pay all associated costs of such a review. The payment to the Barron County Zoning Office shall be due upon receipt of the invoice. All invoices, fees and charges accumulated for the technical review, must be paid in full prior to the issuance of the Special Exception Permit.

(f) EXPIRATION OF B.O.A. APPROVAL. Any privilege granted by this decision must be performed within 24 months of the date of the decision unless an extended timeline is specifically approved by the Board. Performance measures include, but are not limited to, obtaining necessary land use permits, completion of structures, and establishment of permitted activities. This period may be extended if the decision is stayed by court order or operation of law.

(7) <u>VARIANCES.</u>

(a) NATURE OF. Variances are waivers in the terms of this chapter. In a variance case the terms of the ordinance are not in dispute. An applicant for a variance acknowledges that the ordinance forbids the development for which approval is sought. Two avenues of relief can be pursued in such a case. One is for the applicant to seek an amendment to the ordinance. The second possible avenue of relief, one that is available only under strictly defined circumstances, is to seek a variance. Variances are an available form of relief only where the use in question is allowed in the zoning district, but the dimensional standards (setbacks, minimum lot area, etc.) block or hinder the desired form of development. Where dimensional standards create a hardship which can be relieved by modifying the standards for that parcel of land without destroying the basic intent of the ordinance, a variance procedure allows the impact of general rules to be varied in response to unusual local circumstances, without involving the County Board in amendment procedures for each such localized situation.

(b) APPLICATIONS FOR. Applications for variances in the applicable zoning regulations may be filed with the Zoning Administrator, along with payment of the application fee specified in sec. 17.74(5)(e). The Administrator shall transmit the application to the Board. Reapplications may not be considered by the Board within two years after denial by the Board of a prior application, unless the reapplication is substantially different in content or justification than the original application, or unless the reapplication is made pursuant to a court order.

(c) BOARD REVIEW AND DECISION. Following a public hearing and other investigations conducted pursuant to sub. (4), the Board shall decide the matter based upon the following standards:

1. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district.

2. No variance may be granted which would have the effect of allowing a use of land or property which would violate State laws or administrative rules.

3. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished, and the public interest not violated.

(d) CONDITIONS. Conditions shall be attached in writing to all approved variances where such conditions will achieve compliance with standards of this chapter.

(e) EXPIRATION OF B.O.A. APPROVAL. Any privilege granted by this decision must be performed within 24 months of the date of the decision unless an extended timeline is specifically approved by the Board. Performance measures include, but are not limited to, obtaining necessary land use permits, completion of structures, and establishment of permitted activities. This period may be extended if the decision is stayed by court order or operation of law.

16.47 ZONING ADMINISTRATOR

The office of the Zoning Administrator is an administrative department of the County government, created by the County Board of Supervisors. The office is headed by a Zoning Administrator appointed by the County Administrator. The office shall also consist of such other personnel as shall be provided for the office. In addition to duties and responsibilities specified elsewhere in this chapter, the Zoning Administrator shall be responsible for directing the work of the office, for making periodic reports as required on the activities of the office, and for training and educational activities to assure that persons connected with ordinance administration are able to keep abreast of developments in the field of County land use ordinances. In addition to the duties specified elsewhere in this chapter, the Zoning Administrator shall be responsible for the following administrative duties:

(1) <u>ADVISING APPLICANTS.</u> The Zoning Administrator shall advise applicants for permits and approvals as to the provisions of this chapter and shall assist them in preparing applications.

(2) <u>KEEPING RECORDS.</u> The Zoning Administrator shall keep records of applications received, committee or board or office actions on such applications, permits issued, inspections made, enforcement actions undertaken and other similar activities.

(a) Written notice to the appropriate department staff at least 10 days prior to any hearing on a proposed variance, special exception, administrative appeal for a map or text interpretation, and map or text amendments.

(b) Submission to the appropriate department staff, within 10 days after grantor denial, copies of any decision on a variance, special exception, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

(3) MAKING INSPECTIONS. The Zoning Administrator shall make such inspections of premises as are required to determine compliance of land use activities with the terms of this chapter. Except in cases of emergency, such inspections shall be made only at a reasonable hour, with reasonable notice to the owner and\or occupant of the premises and with consent, unless it is made pursuant to an inspection warrant issued pursuant to the Wisconsin Statutes.

(4) MAKING DETERMINATIONS. The County Zoning Administrator will make those administrative decisions and determinations this chapter specifically assigns to the administrator. Subject to review by the County Zoning Board of Adjustment, the Administrator will determine whether specific ordinance requirements should be waived and a permit issued when:

(a) An applicant alleges that he or she is handicapped or disabled and is entitled to "reasonable accommodations" under the Federal Fair Housing Act (42 U.S.C. §3601-3631) or the Wisconsin Open Housing Law (Wis. Stats. §106.50 and 106.52), or

(b) The owner of a facility qualifying as a "public place of accommodation or amusement" under Wis. Stats. §106.50 and 106.52 or as a "public accommodation" under 42 U.S.C. §12181(7) specifically alleges the need to waive certain zoning restrictions in order to make the facility accessible to the handicapped or disabled.

(5) PERMITS, APPROVALS AND FEES. The Zoning Administrator shall receive applications for the following permits and shall process the applications and the fees collected in the following manner:

(a) SANITARY PERMITS. The permitting process for Sanitary Permits is established in Barron County Sanitary Ordinance, Chapter 17, Section 17.64.

(b) LAND USE PERMIT.

1. WHEN REQUIRED. A land use permit shall be required to be issued before any of the following may occur:

a. Before any building or structure, or addition thereto, is erected, moved, or structurally altered except that land use permits shall not be required for structural alterations involving ordinary upkeep and maintenance, and provided further that in agricultural zoning districts land use permits shall be required only for the following structures:

(1) Structures used in part or whole for human habitation.

(2) Structures used in part or whole for animal habitation that exceed 600 square feet in floor area.

(3) Waste storage systems for all types of manure storage, including abandonment of such systems. See Chapter 18 of Barron County Codes.

(4) Structures located within 75 feet of the right-of-way line of a road or street.

(5) Structures that will be used in part or whole for an approved special exception use.

b. Before any building or structure, or any parcel or tract of land, is substantially changed as to use.

c. Before any bathroom is installed a connection to a POWTS occurs within an accessory structure.

2. COMPLIANCE REQUIRED. Land use permits shall be issued only if the parcel is in compliance with the section 16.10.

3. PROHIBITION. No land use permit shall be issued for any property where an outstanding violation of this ordinance exists, unless the issuance of such land use permit will result in compliance with the ordinance.

4. APPLICATION AND ISSUANCE. Applications for land use permits must be made on forms furnished by the county zoning administrator. If a use of land requires a sanitary permit in addition to a land use permit, the applicant must obtain the sanitary permit before the county zoning administrator issues a land use permit. The county zoning administrator will issue a land use permit only if the application, as well as information obtained through field inspection (if any), causes the administrator to conclude that the proposed use will comply with all applicable regulations. When an applicant requests waiver of zoning restrictions in order to provide a handicapped or disabled person with equal housing opportunities, or with access to a place of public accommodation, the process shall follow that of sub. (h).

(c) GRADING PERMIT.

1. WHEN REQUIRED. A grading permit shall be required before undertaking any of the following activities:

a. Filling, grading, lagooning, or dredging in the Shoreland Overlay Area as defined in Sec. 16.23.

b. Wetland altering activities within the C-1 District as defined in Sec. 16.38.

2. APPLICATION AND ISSUANCE. Applications for grading permits shall be made on forms furnished by the Zoning Administrator. Permits shall be issued if the application and information obtained through field inspections, if any, causes the Administrator to conclude that the proposed activity will comply with all applicable regulations.

3. FEES. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator when application is made for a grading permit.

(d) APPLICATIONS FOR SPECIAL EXCEPTION USE APPROVALS, VARIANCES, ADMINISTRATIVE APPEALS AND APPLICATIONS FOR REZONING.

1. APPLICATION AND REFERRAL. Applications for special exception approvals, variances and administrative appeals, shall be made to the Zoning Administrator on forms prepared by the Administrator and approved as to form and content by the Zoning Board of Adjustment. Completed applications shall be referred by the Administrator to the Board for processing and disposition, as provided in sec. 16.46. Applications for a rezoning request shall be made to the County Clerk on forms prepared by the Administrator, and approved as to form and content by the Zoning Committee. Completed forms shall be referred by the Clerk to the Administrator who will in turn refer it to the Zoning Committee for processing and disposition, as provided in Sec. 16.49.

2. FEES. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator for a rezoning request after such request has been submitted to the County Clerk.

(e) LAND DIVISION AND SUBDIVISION APPROVALS.

1. APPLICATIONS. Applications for approval of land divisions and subdivisions shall be made pursuant to Sections 16.10.

2. FEES. A fee set pursuant to par. (g) shall be submitted to the Zoning Administrator when application is made.

(f) FEES.

1. Permit fees shall be determined by resolution adopted from time to time by the Board of Supervisors. The fees established in this method are adopted by reference as part of this chapter.

2. All fees received by the Zoning Administrator shall be placed within the county general fund or transmitted to State agencies as required by the County Board or State Statutes. Fees are collected at the time of application and are not refundable if the application is denied.

(g) PERMITS THAT AUTHORIZE "REASONABLE ACCOMMODATIONS" FOR A HANDICAPPED PERSON.

1. When an applicant requests waiver of zoning restrictions in order to provide a handicapped or disabled person with equal housing opportunities, or with access to a place of public accommodation, the applicant must provide the following on the permit application:
   a. Specify each zoning restriction for which the applicant seeks a waiver;
   b. Specify each handicap or disability requiring a waiver;
   c. Explain the need for the waiver; and
   d. Describe each alternative solution (if any) the applicant has considered and for each alternative solution considered, each reason for rejecting it.
2. The County Zoning Administrator will use a zoning permit that waives specified zoning ordinance requirements, if the administrator determines that both of the following conditions have been met.
   a. The requested accommodation (i.e., the requested waiver of zoning restrictions), or another less-extensive accommodation, is:
      (1) Necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations, and
      (2) The minimum accommodations that will give the handicapped or disabled persons adequate relief.
   b. The accommodation will not unreasonably undermine the basic purposes the zoning ordinance seeks to achieve.
3. If the County Zoning Administrator issues either to a handicapped or disabled person, or to the owner of a place of public accommodation, a zoning permit waiving compliance with specified zoning requirements, the permit must:
   a. State that issuance of the permits required by Federal Fair Housing Act, the Wisconsin Open Housing Law, or the Americans with Disabilities Act, or any combination of them; and
   b. Include the condition that the building addition or other structure (such as entrance ramps) authorized by the permit must be constructed to make it easily removable when the handicapped or disabled person no longer occupies the property, unless the county zoning administrator specifies in writing the reason for not including the condition. If the permit includes this condition, the property owner must notify the zoning administrator not more than 30 days after the handicapped or disabled person vacates the property.
4. In cases where the county zoning administrator issues a handicapped or disabled person a permit conditioned on removal of the building addition or other structure when the handicapped or disabled person no longer occupies the property, the permit will not become effective until the property owner:
   a. Signs an affidavit that includes the legal description of the property and acknowledges that the building addition or other structure authorized by the permit is authorized for only the period a handicapped or disabled person who requires the structure occupies the property, and
   b. Records the affidavit in the office of the County Register of Deeds.

(h) SANITARY AND LAND USE PERMITS FOR SPECIAL EXCEPTION AND VARIANCE USES. Issuance by the Board of Adjustment of a special exception approval or a variance shall not relieve the applicant of the obligation to obtain sanitary and land use permits.

(i) EFFECT AND POSTING OF PERMITS.

1. Permits or special exception approvals and other permits issued on the basis of plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications. Other use, arrangement or construction not authorized by such approvals shall be deemed a violation of this chapter.

2. Permits shall be placed in a prominent location on the premises during construction, alteration or moving.
3. Permits shall lapse and become void if operations or structures described in the permit are not established or completed within one year of issuance of the permit; except that the Zoning Administrator, for the purpose of an order for compliance, may determine a specific date for completion.
   a. The exterior of a building shall be completed within one year.

(6) TOURIST ROOMING HOUSE: It is the intent of this section to set standards and clear expectations under which a residential structure may be used as a tourist rooming house after receiving a zoning land use permit from the Department of Land Services (Department). This section further establishes penalties for the permit holder should the tourist rooming house not be operated in compliance with the following standards.

(a) **LAND USE PERMIT APPLICATION AND STANDARDS:** A zoning land use permit shall be issued to the current property owner of an existing residential structure, limited to one (1) per parcel, for use as a tourist rooming house upon meeting the following standards, which shall continue and remain in effect for the life of the permit:

1. PUBLIC HEALTH LICENSE: The property owner must obtain a lodging license from the Barron County Department of Public Health to maintain, manage and operate a tourist rooming house. A copy of the approved license shall accompany the zoning land use permit application.
2. POWTS: The property owner shall provide written documentation to the Department that demonstrates the Private Onsite Wastewater Treatment System (POWTS) is code compliant, and of the POWTS size and location. Based on the documentation provided, further investigation may be required.
   a. The POWTS shall be maintained in accordance with the Barron County Sanitary Ordinance, Chapter 17, Section 17.64(17); and the maintenance of the POWTS shall be current at the time the zoning land use permit is issued.
3. OCCUPANCY LIMIT: Occupancy of a tourist rooming house shall be limited by the number of bedrooms in the dwelling with the maximum number of occupants not exceeding two (2) people per bedroom, plus an additional two (2) people. For example, a dwelling with three (3) bedrooms would be allowed a maximum of eight (8) occupants; 3 bedrooms x 2 + 2 = 8. The dwelling must be served by a POWTS sized to accommodate the number of bedrooms. In the example above, the dwelling must have a POWTS sized for at least 3 bedrooms.
4. OCCUPYING ACCESSORY STRUCTURES: Accessory structures or buildings, with or without a bathroom, located on a property that has a tourist rooming house shall not be used as a residential structure or for human habitation to accommodate allowable occupancy of the tourist rooming house.
5. TENTS AND RECREATIONAL VEHICLES: Tents and recreational vehicles, including but not limited to: pop-up campers, motor homes or other means of overnight stay are prohibited.
6. PARKING: Parking areas shall be provided and utilized on the property and shall not be located within the road right-of-way or on the road.
7. CONTACT NUMBER: The property owner shall provide the Department with a contact number at which the property owner shall be reached for public complaints and/or inquiries 24 hours per day.
8. MAP OF PROPERTY: A map and/or aerial photograph shall be provided to the Department and occupants of the tourist rooming house that clearly defines the boundary of the property.

9. NOTIFYING NEARBY PROPERTY OWNERS: The property owner requesting a zoning land use permit to use the property as a tourist rooming house shall, by certified mail, notify all property owners within 200 feet of the property where the tourist rooming house will be located of their intent to use the property for a tourist rooming house. The notification shall include a copy of this section of the zoning ordinance, the property owner's mailing address and the property owner's 24 hour contact number.

a. The certified mail receipts shall be presented to the Department and placed with the property file prior to the issuance of the zoning land use permit under this section.

10. REQUIRED SIGNAGE: A sign, no smaller than 8.5" by 11", shall be placed at the junction of the main driveway and the adjoining street. A copy of the sign must be submitted as part of the permit application. The sign shall be viewable from the street and display the following information:

a. Owner name / contact number

b. Property address

c. Maximum occupancy

d. Barron County Land Use Permit Number

(b) ADVERTISEMENT AND DISPLAY OF PERMITS & LICENSES: All applicable county permits and state licenses shall be referenced on any advertising, including advertisement on the internet. Licenses and permits shall be prominently displayed in a conspicuous location where a tourist rooming house is located.

(c) PERMIT EXPIRATION: The zoning land use permit allowing the use of the property as a tourist rooming house shall expire upon change in ownership.

(d) CHANGE OF OWNERSHIP: The zoning land use permit allowing a tourist rooming house shall not be transferrable to another owner. A new property owner shall be required to apply for a new zoning permit for the operation of a tourist rooming house under this section.

(e) PENALTIES: The operation of a tourist rooming house in noncompliance with the standards of this section shall result in a forfeiture of $400. The Administrator, based on repetitive instances of noncompliance, has the discretion to incrementally increase the forfeiture by no less than $50 for each additional instance of noncompliance, not to exceed $5,000 per instance.

16.48 LIMITATIONS ON COUNTY LIABILITY

This chapter and approvals, and inspections under it, are not to be construed as establishing legal responsibility on the part of the County, its officers or agencies, for design or construction of building or premises.

16.49 REZONINGS AND ORDINANCE AMENDMENTS

(1) AUTHORITY. Pursuant to the authority of Sections 59.70(5), 59.70(6), 59.07, 59.69, 59.692, 59.693, and 87.30 and Chapters 91, 281 and 285, 145, 146, and 236 of the Wisconsin Statutes, the County Board may by ordinance, change the district boundaries established by this chapter and the maps incorporated herein, or amend, change, or supplement the text of the regulations established by this chapter or amendments thereto.

(2) PROCEDURE.

(a) FILING A PETITION. A petition for amendment of this ordinance may be made by any property owner in the area to be affected by the amendment, by the town board of any town wherein the ordinance is in effect, by any member of the county board or by the county zoning committee. A petition for amendment of this ordinance shall be submitted in triplicate directly to the zoning administrator, in order that notice of hearings and other processing may be initiated without unnecessary delay.

(b) FEE. A petition for amendment of this ordinance shall be accompanied by the proper fee as established under this ordinance and, shall be payable to the Barron County Zoning Department.

(c) REZONING PETITION INFORMATION. In addition to all information required on the petition form, the petitioner for rezoning shall supply the following information:

1. A plot map in triplicate, accurately drawn to a scale of not less than 100 feet to the inch, showing the land in question, its location, the length and direction of each boundary thereof, the location and existing use of all buildings on each land, and the principal use of all property within 300 feet of such land.

2. The names and complete mailing addresses, including zip codes, of the owners of all properties within 300 feet of any part of the land included in the proposed change.

3. Any further information which may be required by the zoning administrator or the zoning committee to facilitate the making of a comprehensive report to the County Board.

(d) HEARING AND NOTICE. The zoning administrator shall immediately file the original of a petition filed under this section with the county clerk, who shall present it to the county board at its next meeting for formal referral to the zoning committee for report and recommendations as required by § 59.69(5)(e), Stats. As soon as practical after receipt of petition, the zoning committee shall set a time, and place public hearing on the petition and shall give notice of the time and place of such hearing in the manner prescribed under sec. 16.49(1) of this ordinance. The hearing shall be held in accordance with the procedures specified in sec. 16.49(2) of this ordinance.

1. NOTICE TO COUNTY BOARD SUPERVISOR. Immediate notice of a rezoning petition shall be sent to the county board supervisor(s) of the affected area.

2. NOTICE TO TOWNS. A copy of the public hearing notice on all petitions for rezoning or other amendment, shall be submitted by registered mail to the town clerk of each town affected by the proposed rezoning or other amendment, at least ten (10) days prior to the public hearing on the petition.

3. NOTICE TO OWNERS. If a petition for rezoning has been submitted by someone other than the owner(s) of record, a copy of the petition and public hearing notice and an explanation of the rezoning procedures shall be submitted by registered mail to the owner(s) of record, at least thirty (30) days prior to the public hearing on the petition.

4. Notice to the Department of Natural Resources.

a. SHORELAND ZONING CHANGES. If a petition proposes a change in the provisions or maps related to shoreland zoning, a copy of the petition and the notice of public hearing shall be forwarded to the Wisconsin Department of Natural Resources, not less than ten (10) days prior to the hearing.

b. SHORELAND-WETLAND ZONING CHANGES. If a petition proposes a change in the provisions of maps related to shoreland-wetland zoning, the Wisconsin Department of Natural Resources shall be provided with the following:

(1) A copy of the petition within five (5) working days of the filing of such petition with the county clerk.

(2) Written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing.

c. FLOODPLAIN ZONING CHANGES. If a petition proposes a change in the provisions or maps related to floodplain zoning, a copy of the petition and the notice of public hearing shall be submitted to the Wisconsin Department of Natural Resources not less than ten (10) days prior to the hearing and a copy of the petition and notice of public hearing shall be sent to the Federal Emergency Management Agency.

5. NOTICE TO AIRPORT OWNERS OR OPERATORS. If a petition proposes any change in an airport affected area as defined in § 62.23(6)(am)1.b., Stats., a copy of the petition and the notice of public hearing shall be mailed to the owner or operator of the airport, bordered by the airport affected area, not less than ten (10) days prior to the hearing.

(e) ZONING COMMITTEE ACTION AND REPORT. As soon as possible after such public hearing, the county zoning committee shall act on a petition referred to it under this section by either approving, modifying and approving, or disapproving of the same. If its action is favorable to granting a requested change, or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination, and it shall submit such proposed ordinance directly to the county board with a report stating the reasons for its recommendation. If the county zoning committee after its public hearing, shall recommend denial for the petition, it shall submit a report with its recommendation directly to the county board stating its reasons for such action. Proof of publication of the notice of public hearing held by the county zoning committee, and proof of giving notice to the town clerk of such hearing, shall be attached to either such report. Notification of town board resolutions filed under subsection (i) of this section, shall be attached to either such report. A copy of the zoning committee's findings and recommendations on each proposed amendment affecting shoreland, shoreland-wetlands and floodplains, shall be mailed to the Wisconsin Department of Natural resources within ten (10) days after the submission of those findings or recommendations to the county board.

(f) COUNTY BOARD ACTION. Upon receipt of the report of the county zoning committee and proposed ordinance, if any, the county board shall either:

1. Adopt the ordinance drafted by the zoning committee;

2. Adopt the ordinance drafted by the zoning committee with amendments;

3. Deny the petition for amendment;

4. Refuse to deny the petition for amendment as recommended by the county zoning committee, in which case it shall re-refer the petition to the county zoning committee, with direction to draft an ordinance to effectuate the petition, and report the same back to the county board, which may then adopt or reject such ordinance; or

5. As an alternative to, or in addition to any public hearing held by the zoning committee, hold a public hearing on the proposed amendment if proper notice of such hearing has been provided as required by this ordinance or other law, and the persons specified in subsection (b) of this section have also been notified as required therein, except that, notice to the town clerks of the affected towns shall be given 20 days prior to the time set for the hearing. If a public hearing is held under this section, the town board veto provisions provided hereafter in this section, shall be modified to require submission of a certified resolution or disapproval of the petition, at least twenty-four (24) hours prior to time set for the hearing. The procedures for town veto and effectuation after passage of a proposed amendment by the county board, shall be as provided hereafter in this section.

6. If a protest against a proposed rezoning is filed with the county clerk at least twenty-four (24) hours prior to the date of the meeting of the county board at which the report of the county zoning committee is to be considered, duly signed and acknowledged by the owners of fifty percent (50%) or more of the area proposed to be altered, or by the owners of at least fifty percent (50%) of the frontage immediately in the rear or along the side boundaries thereof within

300 feet of the area proposed to be changed, or by the owners of at least fifty percent (50%) of the frontage directly opposite and across a public street, highway or alley from the area proposed to be altered, action on such ordinance may be deferred until the county zoning committee has had a reasonable opportunity to ascertain and report to the county board as to the authenticity of such ownership statements. Each signer of such protest shall state the amount of area or frontage owned by the signer, and shall include a description of the lands owned by the signer. If such statements are found to be true, the requested rezoning ordinance shall not be adopted except by the affirmative vote of three-fourths of the members of the county board of supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

7. If a proposed amendment would make any change in an airport affected area as defined in § 62.23(6)(am)1.b., Stats., and the owner or operator of the airport bordered by the airport affected area, files a protest with the county clerk at least twenty four (24) hours prior to the date of the meeting of the county board at which the report of the county zoning committee is to be considered, no ordinance which makes such a change may be adopted, except by the affirmative vote of two-thirds of the county board of supervisors present and voting.

(g) ADVERSE IMPACT CLAUSE REQUIREMENT. If the Department of Natural Resources has notified the county zoning department that a proposed amendment to the shoreland-wetland provisions of the ordinance may have a significant adverse impact upon any of the criteria listed in subsection (3)(b)4 of this section, that amendment, if approved by the county board, shall contain the following provision:

(1) This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the county board's approval of this amendment was mailed to the Department of Natural Resources. During that thirty (30) day period, the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under § 59.692(6), Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the § 59.692(6) adoption procedure is completed or otherwise terminated.

(h) NOTICE OF COUNTY BOARD DECISION TO STATE AGENCIES. Written notice of the county board's decision on each proposed amendment affecting shorelands, shoreland-wetlands and floodplains, shall be mailed to the Wisconsin Department of Natural Resources within ten (10) days after it is issued. The Wisconsin Department of Agriculture Trade and Consumer protection shall be notified in writing within ten (10) days of any decision approving the rezoning of any area zoned for exclusive agricultural use.

(i) TOWN VETO AND EFFECTUATION.

1. If a town affected by a proposed rezoning disapproves of the rezoning, the town board of such town may file a certified copy of the resolution adopted by such board disapproving of the petition with the county zoning committee prior to, at or within ten (10) days, or thirty (30) days under § 59.69(5)(e)3.m., Stats., if applicable, after the public hearing thereon. If the town board of the town affected by a proposed rezoning files such a resolution, the county zoning committee shall not recommend approval of the petition without a change, but may only recommend approval with change or recommend disapproval. If a town affected by a proposed amendment, other than a rezoning, disapproves of the proposed amendment, the town board of such town may file a certified copy of the resolution adopted by such board disapproving of the petition with the county zoning committee prior to, at or within ten (10) days, or thirty (30) days under § 59.69(5)(e)3.m., Stats., if applicable, after the public hearing thereon. If the town boards of a majority of the towns affected in the case of such amendatory ordinances file such resolutions, the

county zoning committee shall not recommend approval of the petition without a change, but may only recommend approval with change or recommended disapproval.

2. If any proposed ordinance amendment makes only the change sought in the petition, and if the petition is not disapproved at or within ten (10) days after the public hearing by the town board of the town affected in the case of rezoning, or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective upon passage by the county board. The county clerk shall record in the clerk's office the date on which such ordinance becomes effective and the clerk shall notify the town clerk of all towns affected by such ordinance of such effective date, and also insert such effective date in the proceedings of the county board. Any other such amendatory ordinance which would be a change from the change sought in the petition, when so adopted by the county board, shall within seven (7) days thereafter be submitted in duplicate by the county clerk, by registered mail, to the town clerk of each town in which lands affected by such ordinance are located. If after forty (40) days from the date of such adoption, a majority of such towns have not filed certified copies of resolutions approving such amendment with the county clerk, or if within a shorter time a majority of the towns in which the ordinance is in effect have filed certified copies of resolutions approving the amendment with the county clerk, the amendment shall thereupon be in effect in all the towns affected by the ordinance. Any rezoning ordinance shall within seven (7) days after adoption by the county board, be transmitted by the county clerk by registered mail only to the town clerk of the town in which the lands affected by such change are located and shall become effective forty (40) days after adoption of the ordinance by the county board, unless such town board has previously filed a resolution disapproving the petition and prior to such date, files a certified copy of resolution disapproving of such ordinance with the county clerk. If the town board of the town affected by a proposed rezoning files such a resolution, the rezoning ordinance adopted by the county board shall be vetoed and of no effect. If such town board approves the ordinance prior to the forty (40) day limit, said ordinance shall become effective upon the filing of the resolution of the town board approving same with the county clerk. The county clerk shall record in the clerk's office the date on which such ordinances become effective, and the clerk shall notify the town clerk of all towns affected by such ordinance of such effective date, and also make such report to the county board, which report shall be printed in the proceedings of the county board.

3. All changes to shoreland, shoreland-wetland, and floodplain provisions, shall be effective only after review and approval by the Wisconsin Department of Natural Resources.

4. The provisions of this section relating to town board disapprovals shall not apply to any amendment of the shoreland, shoreland-wetland, floodplain, land division or sanitary and private sewage system provisions, including maps of this ordinance.

(3) REZONING AND AMENDMENT STANDARD.

(a) **GENERAL REZONING STANDARDS.** The district boundaries established by this chapter and the maps designating said boundaries may be amended, if upon consideration of the following general standards which address public necessity, convenience, general welfare, and good zoning practice, it is determined that:

1. Additional property of the proposed zoning classification is needed in the area to meet public need, because existing property of the classification is being utilized, or uses that would be beneficial to the neighborhood and are authorized under proposed classification are not reasonably accessible to the neighborhood.

2. The principal uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to impair the use, enjoyment, or economic value of neighboring properties due to appearance, noise, dust, odor, smoke or vibration.
3. The principal uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to endanger the public health or safety, if located in the area.
4. The principal uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to cause an unreasonable adverse impact on air quality, ground water, surface water, or natural vegetation if located in the area.
5. The principal uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to cause an unreasonable adverse impact on historically significant features if located in the area.
6. The principal uses and accessory uses thereto authorized under the proposed zoning classification, are unlikely to impair the normal development of neighboring properties if located in the area.
7. The proposed zoning classification is unlikely to cause undesirable land use patterns, including but not limited to small, isolated zoning districts or neighboring incompatible uses.
8. The proposed zoning classification is consistent with the county land use plan, or a land use plan of the affected town or neighboring municipality.

(B) SPECIFIC STANDARDS. The district boundaries established by this chapter for the following districts, and the maps designating said boundaries or the regulatory provisions therein, may be amended only if, in addition to appropriate findings upon consideration of the general standards of subsection (a), the following provisions are also applied where applicable:

1. BUSINESS DISTRICT (B). A petition to designate a property as business district use (B), may be approved only if a rural location is required because of such factors as access to transportation facilities, or need for a large land area and such needs cannot be met in alternative urban locations already zoned as business district use (B).

2. SHORELAND WETLAND DISTRICT.

a. For all proposed text and map amendments to the shoreland wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:

(1) A copy of every petition for a text or map amendment to the shoreland wetland provisions of this ordinance, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland wetland;

(2) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;

(3) A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and

(4) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.

b. A wetland, or a portion thereof, in the shoreland wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

(1) Storm and flood water storage capacity;

(2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

(3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
(4) Shoreline protection against soil erosion;
(5) Fish spawning, breeding, nursery or feeding grounds;
(6) Wildlife habitat; or
(7) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04, WAC, which can be accessed at the following web site: http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf

C. If the Department notifies the county zoning agency that a proposed text or map amendment to the shoreland wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in section (3)(b)5b of this ordinance, that amendment, if approved by the county board, shall contain the following provision: "This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30 day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6), Stats, adoption procedure is completed or otherwise terminated."

(4) SPECIAL PROVISIONS.

(a) ZONING OR REZONING COUNTY OWNED LANDS. The county board may by ordinance, zone and rezone any lands owned by the county, except for land subject to a town zoning ordinance which is purchased by the county for use as a solid or hazardous waste disposal facility, or hazardous waste storage or treatment facility, as those terms are defined in § 289.01, Stats., without necessity of securing the approval of the town boards of the towns wherein such lands are situated, and without following the procedures outlined in § 59.69(5) Stats., provided that the county board shall give written notice to the town board of the town wherein such lands are situated of its intent to so rezone and, shall hold a public hearing on the proposed rezoning ordinance and give notice of such hearing by posting in five (5) public places in the town.

(b) ZONING IN ANNEXED AREAS.

1. REMOVAL FROM OFFICIAL COUNTY ZONING MAP. When any lands previously under the jurisdiction of the county zoning ordinance shall have been finally removed from such jurisdiction by reason of annexation to an incorporated municipality, and after the regulations imposed by the county zoning ordinance have ceased to be effective as provided in § 59.69(7), Stats., the county board may, on the recommendation of the zoning committee, adopt such amendatory ordinances and shall remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided in §§ 59.69(5)(e)1. through 7., Stats., and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be forwarded by the county clerk, and to the clerk of each town in which the lands affected were previously located. Nothing in this paragraph shall be construed to nullify or supersede the provisions of § 80.64 Stats.
2. CONTINUED EFFECT OF COUNTY ORDINANCE.
    a. IN GENERAL. Whenever any area which has been subject to a county zoning ordinance, petitions to become a part of a village or city, the regulations imposed by such a county zoning ordinance shall continue in effect without change, and shall be enforced by such village or city until such regulations have been changed by official action of the governing body of such village or city, except that, in the event an ordinance of

annexation is contested in the courts, the county zoning shall prevail and the county shall have jurisdiction over the zoning in the area affected, until ultimate determination of the court action.

b. SHORELAND REGULATIONS. The shoreland zoning provisions of this ordinance that were applicable prior to annexation to any shoreland area annexed by a city or village after May 7, 1982, shall continue in effect and shall be enforced after annexation by the annexing city or village, except as provided in §§ 59.692 Stats. The shoreland zoning provisions of this ordinance that were applicable prior to incorporation to any shoreland area that is part of a town that incorporates as a city or village, under §§ 66.0215, 66.0203, 66.0211, or 66.0213, Stats., after April 30, 1994, shall continue in effect and shall be enforced after incorporation by the incorporated city or village, except as provided in §§ 59.692(ad)1. through 3., Stats.

16.50 ENFORCEMENT AND PENALTIES

(1) DECLARATION OF UNLAWFUL CONDUCT. Any liable person, which shall include firm, company, or corporation, who knew or should have known that a land use activity was prohibited by this ordinance and who disobeys, omits, neglects, refuses or otherwise fails to comply with or resists the enforcement of any of the provisions or requirements of this ordinance, including any permit and condition thereof issued pursuant to this ordinance, shall be in violation of this ordinance. Any land use activity conducted in violation of the provisions of this ordinance is hereby declared to be a nuisance per se, and the county may apply to any court of competent jurisdiction to restrain or abate such nuisance.

(2) LIABLE PERSONS.

(a) **IN GENERAL.** All owners of lands or properties occupiers of land or premises, and agents of owners or occupiers of lands or premises including, but not limited to because of enumeration, building contractors, surveyors, plumbers, installers, soils technicians, road building, grading and excavating contractors and their agents, and lending institutions and insurers and their agents shall be a liable person for purposes of enforcement under this ordinance and are responsible for compliance with all provisions of this ordinance which bear upon their area of competency.

(b) **OTHER PARTIES.** Any party who aids or abets in a violation of this ordinance shall be a liable person for purposes of enforcement under this ordinance.

(c) **PUBLIC OR QUASI-PUBLIC AGENCIES.** This ordinance shall apply fully to all public governmental and quasi-governmental lands, developments and activities unless specifically exempted by State or Federal Law and the controlling agent for such units, shall be a liable person for purposes of enforcement under this ordinance.

(3) ENFORCEMENT PROCEDURE.

(a) **NOTICE OF VIOLATION AND ORDER FOR COMPLIANCE.** If upon inspection or investigation, the Zoning Administrator becomes aware of a land use activity which the Zoning Administrator concludes is a violation or a potential violation of this ordinance, the Zoning Administrator shall immediately notify in writing, the party that is or appears to be the liable person of the detected or potential violation. Such notice shall specify the land use activity that is alleged to constitute the actual or potential violation.

The Zoning Administrator shall also issue an Order for Compliance in writing to the party that is or appears to be the liable person of the detected or potential violation. The order shall direct said person to halt and/or remedy the observed violation or prevent the potential violation from occurring and, shall specify a time period for the violation to be halted or remedied or the potential violation to be prevented from occurring.

(b) **CITATION.** If a Notice of Violation and Order for Compliance is issued pursuant to par. (a) of this section, the Zoning Administrator or Assistant Zoning Administrator may also concurrently issue a citation requesting an appropriate forfeiture which conforms with the requirements of sections 25.04(4)(b)1 through 7, of the Barron County General Code.

(c) **NONCOMPLIANCE WITH ORDER FOR COMPLIANCE.** If an order for compliance is issued under par (a), and is not complied with, the Zoning Administrator shall either issue a citation or refer the matter to the Corporation Counsel for prosecution, unless an administrative appeal has been commenced and a stay order has been issued pursuant to sec. 17.73(5) of this chapter. Enforcement demands for violations of sections 17.60 through 17.65 may also be submitted to the Wisconsin Attorney General for enforcement.

(4) PROSECUTION BY THE COUNTY. The County Corporation Counsel shall expeditiously prosecute all violations of this ordinance reported by the Zoning Administrator.

(5) PROSECUTION BY PRIVATE PARTIES. Nothing in this section shall be deemed to prevent, restrict, or otherwise prohibit private prosecutions of violations of this ordinance pursuant to § 59.69(11), Stats., or any other law.

(6) PENALTIES.

Any liable person who violates this ordinance shall be subject to a penalty of not less than twenty-five dollars ($25.00), but not more than one-thousand dollars ($1000.00) for each offense, together with the cost of the action. In default of payment thereof, the person shall be subject to contempt of county proceedings and any penalty authorized thereby the law. Each day that a violation is permitted to exist shall constitute a separate offense and be punishable as such.

For violations characterized as a singular instance, and the liable person(s) have been previously penalized per (a), the Zoning Administrator, based on repetitive instances of noncompliance of the same or similar instance(s), has the discretion to incrementally increase the forfeiture for each additional instance of noncompliance in excess of $1,000, not to exceed $5,000 per instance.

(7) INJUNCTIONS. As a substitute for, or in addition to prosecution for fine or imprisonment, the County Corporation Counsel may seek compliance with this ordinance by suing for an injunctional or restraining order. In contempt of such court order obtained thereby, the person shall be subject to contempt of court proceedings and any penalty authorized thereby by law. It shall not be necessary to prosecute for fine or imprisonment before resorting to injunctional proceedings.

(8) REVOCATIONS OR MODIFICATIONS. Where a permit, special exception use approval or variance grant has been authorized subject to conditions, and where such conditions appear to have been violated or not complied with, as an alternative or in addition to any other enforcement action, the Zoning Administrator shall petition the Board of Adjustment to hold a public hearing to determine whether the conditions of the permit, special exception approval or variance grant have been violated or otherwise not complied with. If the Board determines that a condition has been violated or not complied with, then the Board may revoke or modify all or part of the permit, approval or variance or place designated the land use as probationary

for a specified period of time subject to such additional conditions the Board deems necessary. The additional conditions imposed as part of a probationary designation shall be permanent modifications of the permit, approval or variance unless otherwise expressly stated.

(9) OTHER ENFORCEMENT PROVISIONS.

ASSESSOR'S PLATS. The County Board may, upon recommendation of the Zoning Committee, order as assessor's plat pursuant to the procedures of § 70.27, Stats., or amendment thereof, whenever the conditions specified in that section are found to be present.

CORRECTION INSTRUMENTS. The Zoning Committee may require creation, committee approval, and recording of correction instruments correcting errors in distances, angles, directions, bearing, chords, block or lot number, street names or other details of a recorded map or plat at the expense of the sub-divider or affected property owners.

VIOLATION OF LAND DIVISION OR SUBDIVISION ORDINANCES OR LAWS.

1. No person will be permitted to divide any land except in compliance with this chapter and applicable state laws.
2. No person will create any land division, or create or convey any lot or parcel within a land division, without having the land division reviewed by the county zoning administrator, approved by the county pursuant to this chapter, and recorded with the register of deeds.
3. No person will cause to be recorded with the register of deeds, a plat or certified survey map of land division without first having the plat map reviewed and approved by the county zoning administrator, and then approved by the county pursuant to this chapter.
4. Failure of an owner of lands involved in a county approved land division:
   a. To place monuments, or
   b. To construct features of the land division as prescribed in the approved map or plat will be a violation of this chapter.
5. Sections 236.30 (relating to the improper recording of a final plat), 236.31 (relating to the transfer of lots without a recorded plat), and 236.32 (relating to disturbing or not placing monuments) of the Wisconsin statutes, are incorporated by reference. A violation of any of those sections shall be punished both:
   a. As provided in the statutory section violated, and
   b. As provided in section 17.90(6) of the Barron County General Code.

(10) NUISANCE ACTIONS NOT BARRED. No provisions of this ordinance shall be constructed to bar any action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the laws of the State.

(11) PRE-EXISTING VIOLATIONS.

Where a building or structure violates the dimensional or use standards of this ordinance, and the violating building or structure has been in place more than ten years before an enforcement action initiated, such building or structure shall be treated as a legal nonconforming structure. All provisions of sec. 17.17 of this ordinance shall apply to such nonconforming buildings or structures.

Any property owner asserting as a defense to a charge of violating this ordinance that the alleged violation has been in place more than ten years before enforcement action was initiated has the burden of proving that:

6. The building or structure that is in violation has been in place more than ten years before enforcement action was initiated.
7. That the building or structure (and its use, if the use is nonconforming) has remained essentially unchanged for at least ten years.

8. That the use of the building or structure has been active and continual for ten years or more. If use was discontinued for more than twelve months, that use shall not be considered active and continual.

16.51 DEFINITIONS.

PURPOSE. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured Horizontally.

The following terms used in this ordinance mean:

(1) "Access and viewing corridor" (NR 115.03(1d)) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
(2) "Accessory structure" (S. 59.692(1)(e), Stats) means a subordinate structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, a detached garage, shed, barn, boathouse, gazebo, patio, deck, porch, fire pit, swimming pool, hot tub, fence, retaining wall, driveway, parking lot, sidewalk, walkway, detached stairway and lift.
(3) "Boathouse" (NR 115.03(1h)) means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.
(4) "Building envelope" (NR 115.03(1p)) means the three dimensional space within which a structure is built.
(5) "County zoning agency" (NR 115.03(2)) means that committee or commission created or designated by the county board under s. 59.69(2)(a), Stats, to act in all matters pertaining to county planning and zoning.
(6) "Department" (NR 115.03(3)) means the Department of Natural Resources.
(7) "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
(8) "Existing development pattern" (NR 115.03(3m)) means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.
(9) "Floodplain" (NR 115.03(4)) means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.
(10) "Footprint" means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5.

(11) "Generally accepted forestry management practices" (NR 1.25(2)(b), Wis. Adm. Code) means forestry management practices that promote sound management of a forest. Generally accepted

forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

(12) "Impervious surface" (NR 115.03(4g)) means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not to be calculated as impervious surfaces. "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively. "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

(13) "Lot" means a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

(14) "Lot area" means the area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

(15) "Lot of record" means any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

(16) "Mitigation" (NR 115.03(4r)) means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

(17) "Navigable waters" (NR 115.03(5)) means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(m), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

(a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and

(b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

(18) "Ordinary high-water mark" (NR 115.03(6)) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

(19) "Previously developed" means a lot or parcel that was developed with a structure legally placed upon it.

(20) "Regional flood" (NR 115.03(7)) means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

(21) "Routine maintenance of vegetation" (NR 115.03(7m)) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

(22) "Shoreland" (NR 115.03(8)) means lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a

river or stream or to the landward side of the floodplain, whichever distance is greater.
(23) "Shoreland setback" also known as the "Shoreland setback area" in s. 59.692(1)(bn), Stats, means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Stats.
(24) "Shoreland-wetland zoning district" (NR 115.03(9)) means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.
(25) "Special exception (conditional use)" (NR 115.03(10)) means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.
(26) "Structure" (S. 59.692(1)(e), Stats) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch, or a fire pit.
(27) "Substandard Lots" means a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.
(28) "Unnecessary hardship" (NR 115.03(11)) means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
(29) "Variance" means an authorization granted by the board of adjustment to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.
(30) "Wetlands" (NR 115.03(13)) means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.